

From: kkobach@gmail.com
To: MARTIN, JERRY B; (b)(6);(b)(7)(C)
Cc: (b) (6)
Subject: Formal Letter of Intent re (b) (7)(E) Project
Date: Friday, February 7, 2020 9:48:51 PM
Attachments: [WBTW Final Letter to CBP - \(b\) \(7\)\(E\).docx](#)
[Gift Donation Form 112-02 - Filled.pdf](#)
[\(b\) \(7\)\(E\) - Alignment Map.pdf](#)
[WBTW \(b\) \(7\)\(E\) Project Rendering.png](#)
[\(b\) \(7\)\(E\) - WBTW - Hydro Analysis.pdf](#)
[\(b\) \(7\)\(E\) - WBTW - NOAA Precipitation Data.pdf](#)

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Brian,

Please find attached We Build the Wall's formal letter of intent. Attachments include:

1. DHS GIFT DONATION FORM 112-02
2. ALIGNMENT MAP
3. PROJECT RENDERING
4. HYDRO ANALYSIS
5. RAINFALL DATA

As we discussed at our meeting last week, we would appreciate it if you team could review this package as quickly as possible. The NM SHPO has 30 days to review our report to them—a period that commenced on February 5, 2020. If your review could be completed within the same period, by March 6, that would be ideal.

Thanks your work on this. We look forward to contributing to our nation's border security and to advancing CBP's mission.

Kris



**Kris W. Kobach
General Counsel
P.O. Box 155
Lecompton, KS 66050**

February 7, 2020

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
1300 Pennsylvania Ave., NW
Washington, DC 20229

Dear Chief Martin,

We Build the Wall (WBTW), a private entity, would like to commence construction on approximately (b) (7)(E) of border wall in (b) (7)(E) New Mexico, extending the existing barrier to (b) (7)(E)

(b) (7)(E) Upon completion, WBTW would like to donate this wall as a gift to U.S. Customs and Border Protection (CBP). WBTW initially extended this offer to the DHS Acting Secretary on June 6, 2019. It is my understanding that CBP has reviewed the information WBTW has provided to date regarding the proposed donation. This letter is a formal letter of intent to donate this proposed section of border wall to CBP.

Please find attached a completed DHS Form 112-02, regarding gifts to DHS. As we have discussed, the project site is entirely on federal land that is under CBP's administrative jurisdiction, so WBTW is also seeking authorization to enter the land for the purpose of constructing the proposed border wall. As we have also discussed, WBTW is offering to fund all design and construction and all real estate and environmental documentation and permitting for the proposed project and will ensure the donation meets the U.S. Border Patrol (USBP) operational requirements.

ALIGNMENT MAP

Please also find attached an alignment map that identifies the location of the proposed border wall segment. As noted above, the proposed (b) (7)(E) wall project is approximately (b) (7)(E) long. (Location coordinates – Start: (b) (7)(E) Stop: (b) (7)(E))

DESIGN & CONSTRUCTION

The proposed wall segment will adhere to the United States Border Patrol (USBP) Tactical Infrastructure (TI) Design Standards as the design criteria for the wall design. WBTW will consult with USBP on any design and construction questions to ensure the wall meets the operational requirements of USBP. The proposed wall segment will be as follows:

Design

(b) (7)(E), (b) (5)

Construction

- The wall will be constructed in accordance with the TI Design Standards.

- Regular communication will occur with USBP personnel, to include providing a high-level milestone schedule, to ensure construction does not adversely impact operations.
- Consultation will occur with USBP subject matter experts prior to start of design to discuss and incorporate such items as wall alignment, design criteria, construction criteria into the design.
- Consultation will occur with USBP subject matter experts during preliminary design and prior to design completion to receive feedback regarding design progress.
- Regular meetings will occur with USBP subject matter experts on a weekly basis but no less than once per month throughout construction of the wall to discuss progress, construction testing, questions and issues encountered by the contractor.

REAL ESTATE & ENVIRONMENTAL

Environmental

- Regarding the need for 404 permits under the Clean Water Act, the U.S. Army Corps of Engineers (USACE) has no legal interest in the proposed project areas, as there are no Waters of the United States that are within the proposed project area or elsewhere that will be affected by the proposed project. See hydro analysis and rainfall/watershed documents attached. USACE will confirm this understanding.
- WBTW has already provided CBP with the results of cultural/historical assessment that has been performed concerning the proposed project area. WBTW will provide any correspondence or feedback it has received from the New Mexico State Historic Preservation Officer concerning such assessment and the potential impacts of the proposed project.
- If CBP is required to comply with the National Environmental Policy Act, the Endangered Species Act, or other environmental statutes in accepting a gift or authorizing construction on federal property, WBTW will assist with such compliance by CBP. WBTW is willing to, among other things, provide project information, conduct additional resource surveys of the project area, or provide a consultant to assist in the preparation of required environmental documents.

CONSTRUCTION CLOSE-OUT

- Final construction close-out package shall be provided by the construction contractor prior to acceptance of the project and consideration for acceptance by CBP. The construction close-out package shall include, but not be limited to:
 - Results of all materials testing conducted by a third-party consultant.
 - Certification that quality assurance was conducted by an independent third-party consultant and associated documentation.
 - Shop and fabrication drawings.

- Final as-built plans certified by the contractor including, but not limited to, final surveyed location of the wall, plans, profiles, notes and details.

Please let me know as soon as possible when WBTW may commence construction. If you have any questions, please do not hesitate to ask. We look forward to working with you to advance the security of the border in this crucial area.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Kris Kobach", with a stylized, cursive script.

Kris W. Kobach

c. (b) (6)

ENCLOSURES:

1. DHS GIFT DONATION FORM 112-02
2. ALIGNMENT MAP
3. PROJECT RENDERING
4. HYDRO ANALYSIS
5. RAINFALL DATA

ATTACHMENT 1

GIFT DONATION FORM DEPARTMENT HOMELAND SECURITY

This form must be completed upon receipt of a gift offer and forwarded to:

Chief Administrative Officer
Department of Homeland Security
Washington, DC 20528

The following gift was offered to the Department of Homeland Security:

Description of gift: *Please ensure that the donor of the property understands that this property is given to the Department of Homeland Security and will become the property of the United States Government. Also, the donor must understand this donation is irreversible and the donor will retain no personal rights of use, ownership, or possession.*

Donor's Name: We Build the Wall

Donor's Full Address: 9300 Emerald Coast Parkway W.
Miramar Beach, FL 32550

Present/past business with the Department: N/A

Circumstances regarding donation of gift: We Build the Wall seeks to construct a (b) (7)(E) section of border wall at (b) (7)(E), extending the existing wall to the (b) (7)(E)

How gift will aid and facilitate the Department's mission: This new section of border wall will close off one of the most heavily trafficked human- and drug-smuggling corridors in the El Paso Sector, improving border security.

Gift Value: _____ if non-cash, list the donor's estimated fair market value: \$8,000,000.

Note: The value listed above is the donor's estimate, whether by fair market value or appraised value. The Department of Homeland Security does not confirm or endorse this as the value of the gift nor make any representation of the value of this gift for any tax purpose.

Restrictions on the use of the gift: None. We Build the Wall would like to have access to the wall in the future for events and to add commemorative plaques or bricks.

Pending Matters/Activities: Please indicate below any matters pending or likely to arise in the future that might involve the donor or the donor's organization. Give consideration to all individuals or members of an organization (if applicable) involved in the donation of this gift:
None.

Identify the Department of Homeland employee who received the gift donation and under what circumstances: It would not be given to a single employee. Rather it would belong to DHS/CBP as a whole.

If the gift was solicited, indicate the date of approval by the Secretary/Deputy Secretary:
N/A

I have determined that the acceptance of this gift is appropriate in accordance with the current Directive and accept the offer on behalf of the Department of Homeland Security

Concurrence by Authorized Agency Official's Ethics Officer:

Ethics Officer

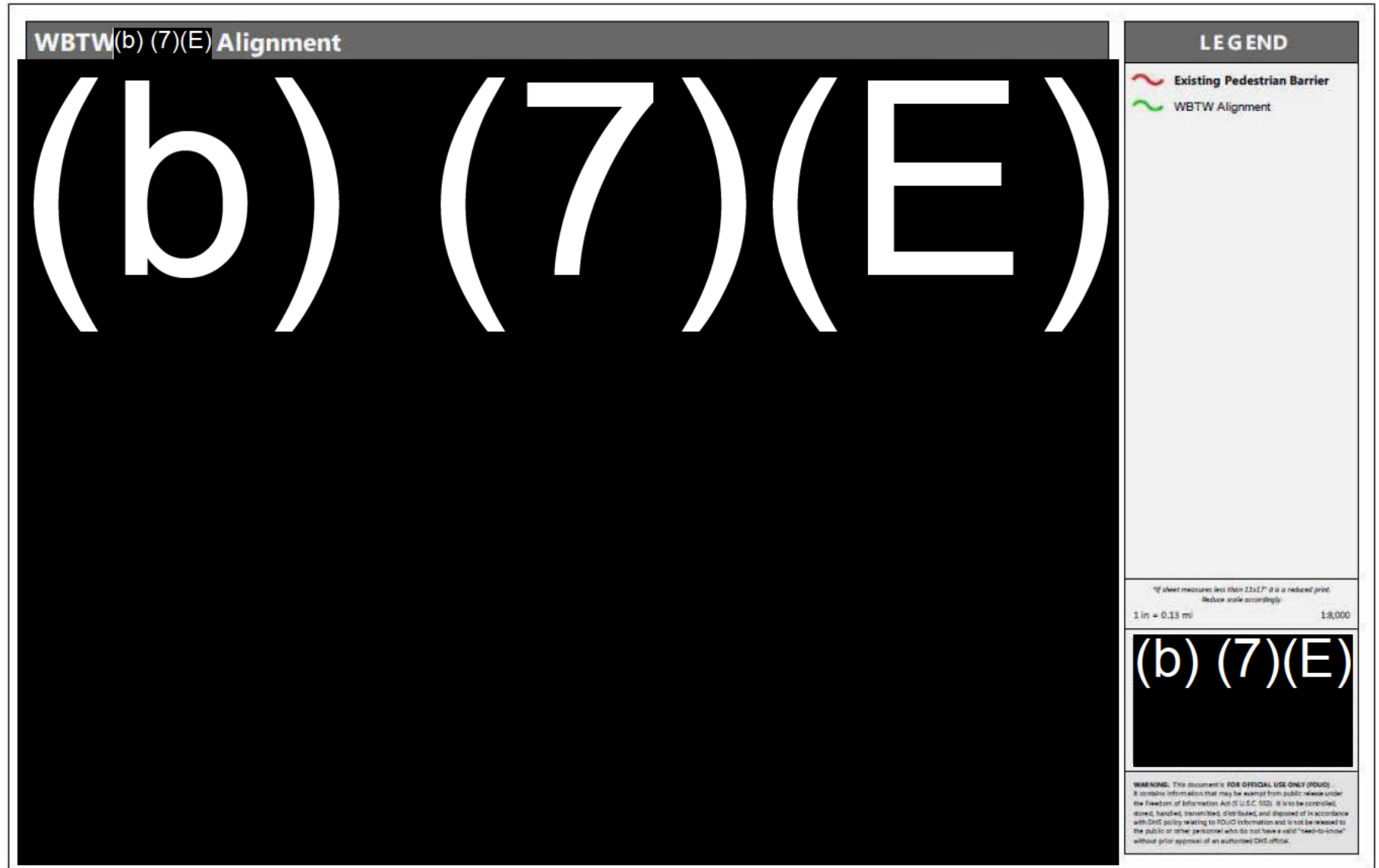
Date

Secretary or Authorized Agency Official

Date

DHS Form 112-02 (1/08)

(b) (7)(E) NM Alignment Map



(b) (7)(E), (b) (5) PROJECT RENDERING

(b) (7)(E), (b) (5)

September 18, 2019

We Build The Wall
P.O. Box 131567
Houston, TX. 77219-1567

Attn: (b) (6)
Legal Counsel, We Build The Wall

RE: Bollard Project; (b) (7)(E) New Mexico
Subject: Drainage Report for (b) (7)(E)

Greetings,

Please be advised that upon completion of this Project all of the off-property drainage patterns and capacity at this site will continue to allow for the free passage onto, through and continuing downslope from this site. No significant volumes of drainage will be blocked by the installation of the new bollard fence and the small amount of additional on-site drainage that sheet flows from the new road surface to the south will not significantly increase the volumes handled by the existing washes.

Our review of the topography indicates that there are three small watersheds, each of which will contribute flow to drainages that will cross south into Mexico. We will construct low-flow crossings at the three identified outlet locations. The length of these low-flow crossings will be determined by the volume of flow calculated for the 50 year event to pass through the spacing in the bollard fence system. Each watershed will drain to it's own corresponding low-flow crossing.

Thank you for your time regarding this issue. Please feel free to call if you have any questions or require any additional information.

Regards,

(b) (6)

Civil Engineer

Cc: (b) (6) President, FSG, TGR

ATTACHMENT: We Build The Wall; Project at (b) (7)(E)
September 18, 2019

LETTER dated

i = 3.23 inches/hour for the 50 year 30 minute event. Please see attached table from NOAA Atlas 14, Volume 1, Version 5.

Velocity over sand & gravel bottom (slope average 5-15%) is determined to be 4 ft./sec.

CCR area	surface	C	A(ac.)	Q (cfs)
W1	rocky soil	0.2	8.3	5.39
W2	rocky soil	0.2	2.8	1.81
W3	rocky soil	0.2	2.0	1.28

The peak flow rates for these three watersheds has been determined as listed above for the 50 year event. These flow rates will be handled by the existing washes and tributaries and will pass through the bollards at the appropriately sized low-flow crossings.

(b) (6)

(b) (6)





POINT PRECIPITATION FREQUENCY ESTIMATES

Sanja Perica, Sarah Dietz, Sarah Haim, Lillian Hiner, Kazungu Maitani, Deborah Marlin, Sandra Pavlovic, Ishani Roy, Carl Tryppaluk, Dale Unruh, Fenglin Yan, Michael Yokta, Tan Zhao, Geoffrey Bonnin, Daniel Brewer, Li-Chuan Chen, Tye Parzybok, John Yarchon

NOAA, National Weather Service, Silver Spring, Maryland

[PF tabular](#) | [PF graphical](#) | [Maps & aerials](#)

PF tabular

PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches/hour) ¹										
Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	2.59 (2.27-2.93)	3.35 (2.94-3.80)	4.51 (3.97-5.10)	5.41 (4.74-6.12)	6.64 (5.78-7.50)	7.63 (6.61-8.63)	8.66 (7.46-9.77)	9.74 (8.34-11.0)	11.2 (9.49-12.7)	12.4 (10.5-14.1)
10-min	1.97 (1.72-2.23)	2.55 (2.24-2.90)	3.43 (3.02-3.89)	4.12 (3.61-4.66)	5.05 (4.40-5.71)	5.81 (5.03-6.56)	6.59 (5.68-7.44)	7.41 (6.35-8.38)	8.53 (7.22-9.65)	9.45 (7.96-10.7)
15-min	1.63 (1.42-1.84)	2.11 (1.85-2.39)	2.84 (2.50-3.21)	3.40 (2.99-3.85)	4.18 (3.64-4.71)	4.80 (4.16-5.43)	5.44 (4.69-6.15)	6.12 (5.25-6.92)	7.05 (5.97-7.97)	7.81 (6.57-8.85)
30-min	1.10 (0.960-1.24)	1.42 (1.25-1.61)	1.91 (1.68-2.16)	2.29 (2.01-2.59)	2.81 (2.45-3.17)	3.23 (2.80-3.65)	3.67 (3.16-4.14)	4.12 (3.53-4.68)	4.75 (4.02-5.37)	5.26 (4.43-5.96)
60-min	0.678 (0.594-0.768)	0.878 (0.772-0.997)	1.18 (1.04-1.34)	1.42 (1.24-1.61)	1.74 (1.52-1.96)	2.00 (1.73-2.26)	2.27 (1.96-2.56)	2.56 (2.19-2.88)	2.94 (2.49-3.32)	3.25 (2.74-3.69)
2-hr	0.387 (0.342-0.438)	0.503 (0.446-0.572)	0.688 (0.610-0.778)	0.832 (0.731-0.940)	1.03 (0.902-1.16)	1.19 (1.03-1.34)	1.37 (1.17-1.54)	1.55 (1.32-1.74)	1.80 (1.51-2.03)	2.01 (1.67-2.27)
3-hr	0.272 (0.242-0.307)	0.352 (0.313-0.396)	0.476 (0.424-0.536)	0.573 (0.508-0.643)	0.708 (0.622-0.793)	0.816 (0.711-0.912)	0.932 (0.805-1.04)	1.06 (0.901-1.18)	1.23 (1.03-1.38)	1.37 (1.14-1.54)
6-hr	0.156 (0.139-0.174)	0.200 (0.179-0.224)	0.265 (0.236-0.297)	0.316 (0.280-0.353)	0.385 (0.339-0.430)	0.440 (0.384-0.490)	0.497 (0.431-0.554)	0.558 (0.479-0.623)	0.642 (0.544-0.718)	0.709 (0.596-0.796)
12-hr	0.086 (0.076-0.095)	0.109 (0.098-0.122)	0.143 (0.128-0.160)	0.169 (0.151-0.188)	0.204 (0.181-0.227)	0.231 (0.204-0.257)	0.259 (0.228-0.289)	0.288 (0.251-0.322)	0.328 (0.282-0.368)	0.360 (0.307-0.405)
24-hr	0.049 (0.044-0.054)	0.062 (0.056-0.070)	0.083 (0.074-0.083)	0.099 (0.088-0.112)	0.123 (0.107-0.139)	0.141 (0.122-0.161)	0.161 (0.137-0.186)	0.182 (0.152-0.213)	0.212 (0.172-0.254)	0.237 (0.187-0.290)
2-day	0.026 (0.023-0.029)	0.033 (0.030-0.038)	0.045 (0.040-0.050)	0.054 (0.048-0.061)	0.067 (0.058-0.076)	0.079 (0.067-0.090)	0.091 (0.076-0.106)	0.105 (0.085-0.124)	0.125 (0.098-0.152)	0.142 (0.107-0.177)
3-day	0.019 (0.017-0.021)	0.024 (0.021-0.027)	0.032 (0.028-0.036)	0.038 (0.034-0.043)	0.048 (0.042-0.054)	0.056 (0.048-0.064)	0.064 (0.054-0.075)	0.073 (0.060-0.087)	0.087 (0.069-0.106)	0.099 (0.075-0.123)
4-day	0.015 (0.013-0.017)	0.019 (0.017-0.021)	0.025 (0.023-0.029)	0.031 (0.027-0.035)	0.038 (0.033-0.043)	0.044 (0.038-0.051)	0.051 (0.043-0.059)	0.058 (0.047-0.068)	0.068 (0.054-0.083)	0.077 (0.059-0.096)
7-day	0.010 (0.009-0.011)	0.012 (0.011-0.014)	0.017 (0.015-0.019)	0.020 (0.018-0.023)	0.025 (0.022-0.028)	0.029 (0.025-0.033)	0.034 (0.029-0.039)	0.038 (0.031-0.045)	0.045 (0.036-0.055)	0.051 (0.039-0.063)
10-day	0.007 (0.007-0.008)	0.010 (0.008-0.011)	0.013 (0.011-0.014)	0.016 (0.014-0.018)	0.020 (0.017-0.022)	0.023 (0.019-0.026)	0.026 (0.022-0.030)	0.030 (0.025-0.035)	0.036 (0.028-0.043)	0.040 (0.031-0.049)
20-day	0.005 (0.004-0.005)	0.006 (0.005-0.007)	0.008 (0.007-0.009)	0.010 (0.008-0.011)	0.012 (0.010-0.013)	0.013 (0.012-0.015)	0.015 (0.013-0.017)	0.017 (0.014-0.020)	0.020 (0.016-0.023)	0.022 (0.018-0.027)
30-day	0.004 (0.003-0.004)	0.005 (0.004-0.005)	0.006 (0.006-0.007)	0.007 (0.007-0.008)	0.009 (0.008-0.010)	0.010 (0.009-0.011)	0.011 (0.010-0.013)	0.012 (0.011-0.014)	0.014 (0.012-0.017)	0.016 (0.013-0.019)
45-day	0.003 (0.003-0.003)	0.004 (0.003-0.004)	0.005 (0.004-0.005)	0.006 (0.005-0.006)	0.007 (0.006-0.008)	0.008 (0.007-0.009)	0.008 (0.007-0.010)	0.009 (0.008-0.011)	0.010 (0.009-0.012)	0.011 (0.009-0.013)
60-day	0.002 (0.002-0.003)	0.003 (0.003-0.004)	0.004 (0.004-0.005)	0.005 (0.004-0.005)	0.006 (0.005-0.006)	0.007 (0.006-0.007)	0.007 (0.006-0.008)	0.008 (0.007-0.009)	0.009 (0.007-0.010)	0.010 (0.008-0.011)

¹ Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS). Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values. Please refer to NOAA Atlas 14 document for more information.

[Back to Top](#)

From: [MARTIN, JERRY B](#)
To: kkobach@gmail.com
Cc: (b)(6);(b)(7)(C)
Subject: Re: Formal Letter of Intent re (b) (7)(E) Project
Date: Friday, February 7, 2020 10:28:39 PM

Kris,

Thank you for putting this together. We will review and get back as soon as we can.

VR,

Brian

Sent from my iPhone

On Feb 7, 2020, at 9:48 PM, "kkobach@gmail.com" <kkobach@gmail.com> wrote:

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Thanks your work on this. We look forward to contributing to our nation's border security and to advancing CBP's mission.

Kris

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<(b) (7)(E) - WBTW - Hydro Analysis.pdf>
<(b) (7)(E) - WBTW - NOAA Precipitation Data.pdf>

From: [Kris Kobach](#)
To: [MARTIN, JERRY B](#); (b)(6);(b)(7)(C)
Subject: WBTW updated response to CBP checklist re (b)(7)(E) project
Date: Sunday, January 26, 2020 2:41:51 PM
Attachments: (b)(7)(E) [WBTW - Updated answers to CBP Checklist.xlsx](#)
[Preliminary Historical Impact Report.pdf](#)

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

Dep. Cmmr. Perez, Brian, and (b)(6);(b)(7)(C),

Please find attached our updated checklist. The historical/archaeological study of the (b)(7)(E) site has been completed and is being sent to the NM SHPO. There was no adverse impact found. See attached letter. At this point, we believe we are completely in alignment with CBP objectives, and all relevant information has been provided. Hopefully we can get to "yes" very soon. We are eager to break ground and close this serious gap in the El Paso Sector.

Brian, I look forward to meeting with you tomorrow.

Yours,

Kris

WBTW ANSWERS TO CBP BARRIER CECKLIST - (b) (7)(E) PROJECT

NUMBER

ANSWER

- 1 Ownership - N/A (land is already owned by DHS according to county records).
- 2 Roosevelt Reservation - The western portion of the parcel is wider than the Roosevelt Reservation; the eastern portion is the same width as the Reservation.
- 3 Access - DHS is the agency that owns the parcel; no other agency controls access to parcel.
- 4 Private land deed of transfer - N/A.
- 5 Title Search - N/A.
- 6 Staging area - The wider western portion of the parcel will be the staging area. It is already owned by DHS. No other agency permission is necessary.
- 7 Private land deed of transfer - N/A.
- 8 Private land temporary easement - N/A.
- 9 Private land permanent easement - N/A.
- 10 Rio Grande River flood impact - N/A.
- 11 Permits re waters of the United States - USACE has no interest in site; no waters of the United States exist on site or are affected. No Section 404 permit needed. See also hydro analysis.
NEPA - No federal or state permits are required on this site. Historical/archaeological impact site survey and report has been completed. Report is being sent to SHPO. No adverse historical/archaeological impact will occur as a result of barrier construction on the site. See letter attached. There are two minor boundary markers (b) (7)(E) in the affected (b) (7)(E) section of border. WBTW will provide gates to boundary markers if requested by CBP.
- 12 Environmental site assesment for contaminants - This property is already owned by DHS. Any existing contaminants would already be a matter of DHS responsibility.
- 13 CBP TI design standards - Agreed; WBTW will construct to CBP TI design standards.
- 17 ICC IBC risk category - Agreed; engineer will do so.
- 18 Load combinations - Agreed; engineer will do so.
- 20 Offset from border - We will meet CBP requirement of 1.5' offset from national border; unless CBP desires 3' offset to accommodate two minor border monuments.
- 21 Height - We will meet CBP requirement (b) (7)(E).
- 22 (b) (7)(E).
- 23 Color - The wall will not be painted, in order to match existing adjacent wall
- 24 Ponding - Agreed; ponding will not occur.
- 25 Deterrent to under-digging - Agreed; (b) (7)(E).
- 26 Spacing - Agreed, but spacing between bollards will be used.
- 27 Drainage - Agreed to a, b, and c.
- 28 No levee walls - N/A.
- 29 Foundation design - Agreed. We will overex and recompact on grade-and-cut sections. Fill sections will be made with processed fill.
- 30 Debris removal - Agreed.
- 31 Coordination with USBP Wall PMO - Agreed.
- 32 Design report - Agreed.
- 33 Contractor meeting with Wall Program Team - Agreed.
- 34 Closeout package - a. We will use licensed third party. B. Agreed. C. Agreed. D. We will provide final redlined as built.
- 35 Congressionally imposed restrictions - Agreed. A. N/A.
- 36 Gifts - Agreed.
- 37 DHS gifts - Agreed.
- 38 Procurement process - N/A.
- 39 (b) (7)(E).
- 40 Time to cross - Agreed.
- 41 Deterrent to under-digging (b) (7)(E)
- 42 (b) (7)(E)
- 43 (b) (7)(E) (b) (7)(E)
- 44
- 45 Agent access - We will meet requirements a., b., and c.
- 46 Surveillance interoperability - We will meet requirements a. and b.
- 47 Reliability - The wall system will significantly exceed the objective of 20 years.

Preliminary Report for the Archaeological Survey of a Section of Proposed Border Wall near (b) (7)(E) New Mexico

The archaeological survey of the proposed border wall location was conducted January 17th, 2020. The area inventoried extends (b) (7)(E) (b) (7)(E) though the portion of wall next slated for construction will be built (b) (7)(E) (b) (7)(E)

No archaeological sites were found, but there are three historic border monuments in the surveyed area:

Monument (b) (7)(E) is an obelisk of stone and concrete with a smooth plastered concrete surface on a square concrete pedestal, all recently repainted white (Figure 1). The obelisk portion tapers from a wide base to a pyramidal top. Cast metal plaques in English and Spanish are/were embedded into the north and south faces (the north one is absent). The number (b) (7)(E) inscribed into the east and west faces. Fragments of cement plaster and expanded metal litter the surrounding area.

Monument (b) (7)(E) is an obelisk on square pedestal of cast concrete, all recently painted silver. The obelisk has parallel vertical sides and a pyramidal top. Cast metal official plaques in English and Spanish are riveted and embedded in the north and south faces (Figure 2). Separate plaques below are embossed with language admonishing against destruction are of cast metal similarly attached, and the number is embossed on its east face.

Monument (b) (7)(E) is a cast-iron obelisk bolted to a square concrete pedestal. The obelisk has slightly tapering sides and pyramidal top and plaques identical to those of Monument (b) (7)(E). The number is embossed on the east face only (Figure 3). The obelisk and top of the pedestal are painted silver while the pedestal remains raw concrete. The number is painted black.

Monument (b) (7)(E) was erected in the 1850s as part of a survey to mark and map the U.S.'s southern border following the signing of the 1848 Treaty of Guadalupe Hidalgo and the conclusion

(b) (7)(E)

Figure 1: Monument (b) (7)(E)

(b) (7)(E)

Figure 2: Monument (b) (7)(E)

of the Mexican-American War. The effort resulted in 54 boundary survey maps finalized during the 1856-1857 Joint Boundary Commission meetings in Washington, D.C. A total of 52 such monuments were built between El Paso and San Diego.

When disputes over the exact location of the border became more frequent, a boundary resurvey was conducted between 1891-1894. An initial reconnaissance found that some of the previously established monuments were missing or in disrepair. The international resurvey team installed 206 additional monuments and employed a lettering sequence to avoid confusion with the existing monument numbers. Monument (b) (7)(E) is one of these monuments.

The New Mexico State Historic Preservation Office has determined that the monuments are eligible for listing in the National Register because of their representation of the events surrounding the establishment of the boundary following the Gadsden Purchase and the Treaty of Guadalupe Hidalgo as well as subsequent events that took place along the border, for their distinctive obelisk form, and for the information that can be gleaned about past historical events in locations where there are camps or other archaeological sites associated with those events. Because the monuments are considered eligible, they need to be protected during any proposed undertaking or their damage or destruction mitigated in some way.

Monuments (b) (7)(E) lie along the route of the currently planned (b) (7)(E) border wall, while Monument (b) (7)(E) is to the (b) (7)(E) beyond the end of the (b) (7)(E) section (Figure 4). As has been implemented elsewhere, the plan for this segment is to build the wall 3 feet north of the actual border line (and, hence, 3 feet north of the monuments), with gates installed to provide access to the monuments. In this instance, because the monuments will remain undamaged and because there are no associated archaeological materials of any kind (e.g., the remains of a campsite associated with their construction) in the immediate vicinity, the monuments will experience no adverse physical impacts as a result of the construction of the wall.

The wall will adversely impact the monuments' integrity to some degree because it will change their setting, feeling, and association (though not their location, design, materials, or workmanship), but because they represent only a small proportion of the overall number of border monuments (even just of those in New Mexico), the impact is not sufficient to render the international border and the monuments not eligible for listing in the National Register, nor is it irreversible, so the overall impact is unlikely to be something that would require additional mitigation steps. With that said, it should be noted that upon review of the final survey report, the New Mexico State Historic Preservation Office may have additional requirements regarding protection of the monuments during construction of the wall.



Figure 3: Monument (b) (7)(E)

(b) (7)(E)

Figure 4: Map of project findings. IOs 1 and 2 mark discoveries of an isolated can and tin cup that are historic but not sufficient to be considered archaeological sites requiring protection.

From: kkobach@gmail.com
To: (b)(6);(b)(7)(C)
Subject: RE: Message to Dep Cmr Perez
Date: Thursday, January 16, 2020 11:40:13 PM

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

(b)(6);(b)(7)(C),

Sorry we missed each other again. Are there any time available between 1 and 3 pm ET Friday? If not, we can look at Monday morning. Thanks.

Kris Kobach

From: (b)(6);(b)(7)(C)
Sent: Wednesday, January 15, 2020 7:26 AM
To: kkobach@gmail.com
Subject: RE: Message to Dep Cmr Perez

Hi Mr. Kobach,

Happy Wednesday and Happy New Year!

My apologies for yesterday, if you are available to talk today, we can schedule a call this afternoon.

Please feel free to contact me with any questions or concerns.

Thank you,

(b)(6);(b)(7)(C)
Special Assistant to the Deputy Commissioner
U.S. Customs and Border Protection
Department of Homeland Security
Ronald Reagan Building
1300 Pennsylvania Ave, NW
Washington, DC 20229
Work-(b)(6);(b)(7)(C)
Cell-(b)(6);(b)(7)(C)

From: kkobach@gmail.com <kkobach@gmail.com>
Sent: Tuesday, January 14, 2020 12:59 PM
To: (b)(6);(b)(7)(C)
Subject: RE: Message to Dep Cmr Perez

(b)(6);(b)(7)(C)

Would you be able to set up a time for me to speak with Commissioner Perez on the phone for ten minutes today? Thanks.

Kris Kobach

From: (b)(6);(b)(7)(C)

Sent: Tuesday, October 1, 2019 4:26 PM

To: kkobach@gmail.com

Subject: RE: Message to Dep Cmr Perez

Good Evening Mr. Kobach,

Happy Tuesday!

Thank you for your email. The Deputy Commissioner received the attachments.

Have a great evening.

Please feel free to contact me with any questions or concerns.

Thank you,

(b)(6);(b)(7)(C)
Special Assistant to the Deputy Commissioner
U.S. Customs and Border Protection
Department of Homeland Security
Ronald Reagan Building
1300 Pennsylvania Ave, NW
Washington, DC 20229
Work-(b)(6);(b)(7)(C)
Cell-(b)(6);(b)(7)(C)

From: kkobach@gmail.com <kkobach@gmail.com>

Sent: Friday, September 27, 2019 3:30 PM

To: (b)(6);(b)(7)(C)

Subject: Message to Dep Cmr Perez

(b)(6);(b)(7)(C)

I will be emailing you a copy of the (b)(7)(E) wall project proposal for you to forward to Deputy Commissioner Perez. You will be included on the email going to the wall program team. Please forward it to him. Thanks!

Kris Kobach

General Counsel, We Build the Wall

From: (b)(6);(b)(7)(C)

Sent: Wednesday, September 18, 2019 2:04 PM

To: kkobach@gmail.com

Cc: (b)(6);(b)(7)(C)

Subject: RE: CBP Deputy Commissioner

Good Afternoon Sir,

Happy Wednesday!

I wanted to introduce myself, my name is (b)(6);(b)(7)(C) and I am the new Special Assistant to Deputy Commissioner Perez. I look forward to working with you.

Please feel free to contact me with any questions or concerns.

Thank you,

(b)(6);(b)(7)(C)
Special Assistant to the Deputy Commissioner
U.S. Customs and Border Protection
Department of Homeland Security
Ronald Reagan Building
1300 Pennsylvania Ave, NW
Washington, DC 20229
Work (b)(6);(b)(7)(C)
Cell (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)

Sent: Wednesday, September 18, 2019 12:12 PM

To: kkobach@gmail.com

Cc: (b)(6);(b)(7)(C)

Subject: CBP Deputy Commissioner

Mr. Kobach,

Good afternoon. I just wanted to take a few moments to say that it was wonderful to meet you and work with you on behalf of Deputy Commissioner Perez. In addition, I would like to introduce you to my replacement (b)(6);(b)(7)(C). My last day here in Washington, DC is today. I am very happy and excited to say that I have accepted a position in (b)(6);(b)(7)(C) with CBP.

If you ever need anything at all please feel free to contact me.

Please see (b)(6);(b)(7)(C) contact information below:

(b)(6);(b)(7)(C)

Desk Phone- (b)(6);(b)(7)(C)

Gov Cell- (b)(6);(b)(7)(C)

Thank you.

(b)(6);(b)(7)(C)

Special Assistant to the Deputy Commissioner

U.S. Customs and Border Protection

Department of Homeland Security

Ronald Reagan Building

1300 Pennsylvania Ave, NW

Washington, DC 20229

Work- (b)(6);(b)(7)(C)

Cell- (b)(6);(b)(7)(C)

From: [MARTIN, JERRY B](#)
To: kkobach@gmail.com
Cc: (b)(6);(b)(7)(C) [SINGLETON, RUYNARD R](#); (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Subject: RE: We Build the Wall (b)(7)(E) Project Proposal
Date: Tuesday, October 22, 2019 1:12:44 PM

Kris,

As a follow up to our last phone conversation, I want to recap what we discussed and provide clarification on the remaining questions you posed regarding the checklist items below:

- 1. Real Estate: CBP does not concur with WBTW's assessment. DHS does not own all of the land in this area. Additionally, access roads are an agreement between private landowners and DHS, and would not be transferable to WBTW. WBTW would need to obtain separate access with private land owners. Documentation is needed for real estate. The attached document is CBP's assessment on land ownership.**

WBTW Question: WBTW wants to ensure CBP understands that they are looking to build on the Roosevelt Easement (b)(7)(E) track (b)(7)(E) property and not the lot adjacent to (b)(7)(E) at the (b)(7)(E) end of the area. WBTW believes we referenced the incorrect track.

CBP Response: CBP does understand WBTW is referencing the property (b)(7)(E). Access to this portion of the Roosevelt Reservation would only be provided from the existing border road. CBP has an existing agreement to use a UPRR road that runs to the border however additional review of this agreement by CBP Office of Chief Council (OCC) will be needed to determine whether WBTW could use this road. CBP OCC is still reviewing this and will advise.

- 2. Environmental: WBTW needs to provide documentation on all environmental findings and agreements with SHPO. Previous project environmental impacts (i.e. 2008) or similar projects in the area (i.e. WBTW project at Monument (b)(7)(E)) cannot be used as justification for environmental clearance. All environmental clearances must be project site specific. The statement in the checklist regarding contaminants is not acceptable and needs to be conducted by WBTB.**

WBTW Question: Will a generic impact statement meet this requirement? Other than SHPO there isn't a state or local office to coordinate with on environmental impacts. WBTW believes the area is pre-disturbed and subsequently determined they didn't need to complete an impact statement but if needed they will. WBTW is asking what CBP needs to satisfy this requirement.

CBP Response: Anytime a federal agency is required to issue a permit in association with a private construction project NEPA would be required in order for that federal agency to issue the permit. In this instance, USACE would likely need to issue a 404 storm water general construction permit due to the volume of soil that would be required for excavation. USACE would be unable to issue the permit without a NEPA document from the entity completing the construction. It doesn't appear that WBTW obtained a 404 permit from USACE on their last project (although they ended up obtaining a construction permit from the City of (b)(7)(E)) and this may have been because the project was on private lands.

The standard NEPA process would apply as there would likely be a need for the State of New Mexico

and USACE to issue a 404/401 storm water permit under the Clean Water Act. Standard NEPA would require consultation with USFWS (under section 7 of the ESA) on the presence of any critical habitat and endangered species (if present) or a determination and concurrence by USFWS that no affects to species or habitat would occur. In addition, consultation with the NM SHPO under section 106 of the NHPA would be required on any cultural or historical sites that have the potential to be affected by the project. Given the close proximity to (b) (7)(E) there is a strong likelihood there are potential visual impacts to the site. Finally, the NEPA process would require public participation and the availability of the NEPA document to be reviewed and commented on by the public

3. The wall should be offset (b) (7)(E) feet as noted in the checklist

WBTW states that they can keep to the (b) (7)(E).

This will meet CBP standards.

4. The wall should be (b) (7)(E) feet as noted in the checklist.

WBTW states that they can build to (b) (7)(E) requirement.

This will meet CBP standards.

5. IBWC coordination is required and not noted in the checklist, to include hydrology coordination and international boundary survey's prior to construction.

WBTW states that IBWC rep informed them that IBWC coordination isn't required as there aren't any monuments within the construction area and they don't have any pre-existing roads or structures.

CBP Response: Even though there are no border monuments in the immediate area, IBWC requires coordination on the survey of the location of the international border to ensure the barrier remains in the U.S.

6. Gates are required at all IBWC monuments per TI standards (2 to 3 monuments may be in this area).

WBTW states that there are not any monuments within the construction area.

CBP concurs.

7. It was stated that fill sections will be filled with "processed fill" – need confirmation that this will be "certified clean fill" as per environmental needs.

WBTW states that they will only use certified clean fill.

CBP states that this will meet requirement.

8. Need an explanation on the "N/A" response from WBTW regarding Procurement process.

WBTW is under the impression that since this is a "gift" that the procurement process rules don't apply. If they do, they are asking what will satisfy this requirement.

CBP Response: CBP's Barrier Donation Checklist included the following item 38: "[t]he donor should indicate whether it has or intends to participate in the federal procurement process for border wall construction, and if so, provide details of that involvement." WBTW's submission in response consisted of: "[p]rocurement process – N/A."

The information specified in item 38 is required specifically for two reasons: the first involves

effectuating the required ethics review prior to acceptance of any barrier – it is important for that review to be conducted with full knowledge of the donor’s previous procurement activities or future intention to participate in a federal procurement for the same or similar services.

Secondly, a full response to item 38 is necessary to ensure that all procurement ethics considerations are taken into account with regards to future border barrier procurements. Specifically, acceptance of a gift from a source with recent CBP contracts, or an imminent intention to participate in a contract competition would require analysis under the *Gratuities* clause of the relevant contract, and should notify CBP of the requirement to conduct an analysis of whether WBTW has an Organizational or Personal Conflict of Interest with regards to a future procurement. While such concerns can generally be effectively mitigated, having full knowledge of WBTW’s past and future participation in border barrier procurements will ensure that CBP is taken appropriate actions to safeguard the integrity of its contracting process.

9. Need explanation on how WBTW will (b) (7)(E) when talking about (b) (7)(E)

WBTW doesn’t have any idea how to meet this ask and have offered up to allow BP to assess the (b) (7)(E) since they are identical to what they are proposing to install in the (b) (7)(E) project.

CBP Response: CBP can make this determination if provided access to the (b) (7)(E) Project and the allowed to test the equipment as offered above.

Let me know if you would like to discuss of if you have any additional questions.

VR,

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC
O- (b)(6);(b)(7)(C)
M (b)(6);(b)(7)(C)

From: MARTIN, JERRY B

Sent: Friday, October 11, 2019 4:24 PM

To: kkobach@gmail.com

Cc: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C); SINGLETON, RUYNARD R (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Subject: RE: We Build the Wall (b) (7)(E) Project Proposal

Sir,

The team has reviewed the We Build The Wall (WBTW) checklist. I appreciate your patience as we've carefully gone through each of the items. Below are the following issues captured by the team:

1. Real Estate: CBP does not concur with WBTW's assessment. DHS does not own all of the land in this area. Additionally, access roads are an agreement between private landowners and DHS, and would not be transferable to WBTW. WBTW would need to obtain separate access with private land owners. Documentation is needed for real estate. The attached document is CBP's assessment on land ownership.
2. Environmental: WBTW needs to provide documentation on all environmental findings and agreements with SHPO. Previous project environmental impacts (i.e. 2008) or similar projects in the area (i.e. WBTW project at (b) (7)(E)) cannot be used as justification for environmental clearance. All environmental clearances must be project site specific. The statement in the checklist regarding contaminants is not acceptable and needs to be conducted by WBTB.
3. The wall should be (b) (7)(E) feet as noted in the checklist
4. The wall should be (b) (7)(E) feet as noted in the checklist
5. IBWC coordination is required and not noted in the checklist, to include hydrology coordination and international boundary survey's prior to construction.
6. Gates are required at all IBWC monuments per TI standards (2 to 3 monuments may be in this area)
7. It was stated that fill sections will be filled with "processed fill" – need confirmation that this will be "certified clean fill" as per environmental needs.
8. Need an explanation on the "N/A" response from WBTW regarding Procurement process.
9. Need explanation on how WBTW will (b) (7)(E) when talking about (b) (7)(E)

Please consider these concerns and let me know if you have time to discuss.

Have a great weekend,

Brian Martin

U.S. Border Patrol

Chief of Strategic Planning and Analysis

Washington, DC

O- (b)(6);(b)(7)(C)

M- (b)(6);(b)(7)(C)

From: kkobach@gmail.com <kkobach@gmail.com>

Sent: Friday, October 11, 2019 4:16 PM

To: MARTIN, JERRY B (b)(6);(b)(7)(C)

Cc: (b)(6);(b)(7)(C)

Subject: RE: We Build the Wall (b) (7)(E) Project Proposal

Brian,

Just left you a voicemail touching base. Please give me a call when you have a chance. Thanks.

Kris

From: MARTIN, JERRY B (b)(6);(b)(7)(C)
Sent: Friday, October 4, 2019 11:57 AM
To: kkobach@gmail.com
Cc: (b)(6);(b)(7)(C)
Subject: FW: We Build the Wall (b) (7)(E) Project Proposal

Kris,

Thank you for the call this morning. As I'm sure you can understand, we are extremely busy right now, however we appreciate all the work your team has put into the documents. Our projects team and legal are currently reviewing the documents you sent over. We will be meeting mid-next-week and will be able to follow up after we have determined a path forward.

Thank you for your patience.
Brian

From: kkobach@gmail.com <kkobach@gmail.com>
Sent: Friday, September 27, 2019 3:55 PM
To: MARTIN, JERRY B (b)(6);(b)(7)(C)
Subject: We Build the Wall (b) (7)(E) Project Proposal

Dear Brian, (b)(6);(b)(7)(C), and Deputy Commissioner Perez,

It was a great pleasure meeting with you a few weeks ago. Please find attached our responses to the items in the CBP checklist for the proposed (b) (7)(E) wall extension that We Build the Wall (WBTW) has proposed to build at the (b) (7)(E) area in New Mexico and give to CBP. I have also attached a hydro analysis and other supporting documents. We will meet virtually all of the CBP requirements; and where we propose slight modifications, it is because of special circumstances at the (b) (7)(E) site.

Please let me know as soon as possible if you need any additional information prior to granting us permission to proceed. As I may have mentioned in our meeting, we have much of the heavy equipment in the area already. We will save nearly half a million dollars in mobilization costs if we can proceed soon – ideally by October 11 if possible.

Thanks again for meeting with us. We look forward to constructing and donating a gift to CBP that meets all of your operational needs and greatly improves the security what is currently a heavily-

trafficked border area.

Yours,

Kris Kobach
General Counsel,
We Build the Wall

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC

O- (b)(6);(b)(7)(C)

M- (b)(6);(b)(7)(C)

From: kkobach@gmail.com
To: MARTIN, JERRY B; (b)(6);(b)(7)(C)
Subject: We Build the Wall (b)(7)(E) Project Proposal
Date: Friday, September 27, 2019 3:55:27 PM
Attachments: (b)(7)(E) - WBTW - Answers to CBP Checklist.xlsx
(b)(7)(E) - WBTW - Hydro Analysis.pdf
(b)(7)(E) - WBTW - Slope information re hydro analysis.pdf
(b)(7)(E) - WBTW - Profile grades and panel information.pdf
(b)(7)(E) - WBTW - NOAA Precipitation Data.pdf

Dear Brian, (b)(6);(b)(7)(C), and Deputy Commissioner Perez,

It was a great pleasure meeting with you a few weeks ago. Please find attached our responses to the items in the CBP checklist for the proposed (b)(7)(E) wall extension that We Build the Wall (WBTW) has proposed to build at the (b)(7)(E) area in New Mexico and give to CBP. I have also attached a hydro analysis and other supporting documents. We will meet virtually all of the CBP requirements; and where we propose slight modifications, it is because of special circumstances at the (b)(7)(E) site.

Please let me know as soon as possible if you need any additional information prior to granting us permission to proceed. As I may have mentioned in our meeting, we have much of the heavy equipment in the area already. We will save nearly half a million dollars in mobilization costs if we can proceed soon – ideally by October 11 if possible.

Thanks again for meeting with us. We look forward to constructing and donating a gift to CBP that meets all of your operational needs and greatly improves the security what is currently a heavily-trafficked border area.

Yours,

Kris Kobach
General Counsel,
We Build the Wall

WBTW ANSWERS TO CBP BARRIER CHECKLIST - (b) (7)(E) PROJECT

NUMBER

ANSWER

- 1 Ownership - N/A (land is already owned by DHS according to county records).
- 2 Roosevelt Reservation - The western portion of the parcel is wider than the Roosevelt Reservation; the eastern portion is the same width as the Reservation.
- 3 Access - DHS is the agency that owns the parcel; no other agency controls access to parcel.
- 4 Private land deed of transfer - N/A.
- 5 Title Search - N/A.
- 6 Staging area - The wider western portion of the parcel will be the staging area. It is already owned by DHS. No other agency permission is necessary.
- 7 Private land deed of transfer - N/A.
- 8 Private land temporary easement - N/A.
- 9 Private land permanent easement - N/A.
- 10 Rio Grande River flood impact - N/A.
- 11 Permits re waters of the United States - N/A; see hydro analysis, attached.
- NEPA - No federal or state permits are required on this site. It should be noted that, because the project extends existing barrier that was built in 2008 to the (b) (7)(E) by only (b) (7)(E), the same environmental impacts (or lack thereof) in 2008 should apply to the proposed extension of the existing barrier. It should also be noted that the barrier would remain open on the (b) (7)(E) end, so any animals unable to move between the bollards could continue to walk around the (b) (7)(E) end of the project. Finally, with respect to historical preservation, the SHPO has been contacted and informed of proposed project. The SHPO found no adverse impact to historical sites with the construction of the WBTW project (b) (7)(E) (b) (7)(E).
- 12 Environmental site assesment for contaminants - This property is already owned by DHS. Any existing contaminants would already be a matter of DHS responsibility.
- 13 CBP TI design standards - Agreed; WBTW will construct to CBP TI design standards.
- 14 ICC IBC risk category - Agreed; engineer will do so.
- 15 Load combinations - Agreed; engineer will do so.
- 16 Offset from border - Due to the rugged surface condition we will have (b) (7)(E) offset.
- 17 Height - We will match the existing fence height of (b) (7)(E).
- 18 (b) (7)(E).
- 19 Color - The wall will not be painted, in order to match existing adjacent wall
- 20 Ponding - Agreed; ponding will not occur.
- 21 Deterrent to under-digging - Agreed; (b) (7)(E).
- 22 Spacing - Agreed (b) (7)(E) spacing between bollards will be used.
- 23 Drainage - Agreed to a, b, and c.
- 24 No levee walls - N/A.
- 25 Foundation design - Agreed. We will overex and recompact on grade-and-cut sections. Fill sections will be made with processed fill.
- 26 Debris removal - Agreed.
- 27 Coordination with USBP Wall PMO - Agreed.
- 28 Design report - Agreed.
- 29 Contractor meeting with Wall Program Team - Agreed.
- 30 Closeout package - a. We will use licensed third party. B. Agreed. C. Agreed. D. We will provide final redlined as built.
- 31 Congressionally imposed restrictions - Agreed. A. N/A.
- 32 Gifts - Agreed.
- 33 DHS gifts - Agreed.
- 34 Procurement process - N/A.
- 35 (b) (7)(E).
- 36 Time to cross - Agreed.
- 37 Deterrent to under-digging - (b) (7)(E).
- 38 (b) (7)(E).
- 39 (b) (7)(E) (b) (7)(E).
- 40 Agent access - We will meet requirements a., b., and c.
- 41 Surveillance interoperability - We will meet requirements a. and b.
- 42 Reliability - The wall system will significantly exceed the objective of 20 years.

September 18, 2019

We Build The Wall
P.O. Box 131567
Houston, TX. 77219-1567

Attn: (b) (6)
Legal Counsel, We Build The Wall

RE: Bollard Project; (b) (7)(E) New Mexico
Subject: Drainage Report for (b) (7)(E)

Greetings,

Please be advised that upon completion of this Project all of the off-property drainage patterns and capacity at this site will continue to allow for the free passage onto, through and continuing downslope from this site. No significant volumes of drainage will be blocked by the installation of the new bollard fence and the small amount of additional on-site drainage that sheet flows from the new road surface to the south will not significantly increase the volumes handled by the existing washes.

Our review of the topography indicates that there are three small watersheds, each of which will contribute flow to drainages that will cross south into Mexico. We will construct low-flow crossings at the three identified outlet locations. The length of these low-flow crossings will be determined by the volume of flow calculated for the 50 year event to pass through the spacing in the bollard fence system. Each watershed will drain to it's own corresponding low-flow crossing.

Thank you for your time regarding this issue. Please feel free to call if you have any questions or require any additional information.

Regards,

(b) (6) (b) (6)

Civil Engineer

Cc: (b) (6) President, FSG, TGR

ATTACHMENT: We Build The Wall; Project at (b) (7)(E)
September 18, 2019

LETTER dated

i = 3.23 inches/hour for the 50 year 30 minute event. Please see attached table from NOAA Atlas 14, Volume 1, Version 5.

Velocity over sand & gravel bottom (slope average 5-15%) is determined to be 4 ft./sec.

CCR area	surface	C	A(ac.)	Q (cfs)
W1	rocky soil	0.2	8.3	5.39
W2	rocky soil	0.2	2.8	1.81
W3	rocky soil	0.2	2.0	1.28

The peak flow rates for these three watersheds has been determined as listed above for the 50 year event. These flow rates will be handled by the existing washes and tributaries and will pass through the bollards at the appropriately sized low-flow crossings.

(b) (6)

(b) (6)



(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

TOTAL (b) (7)(E) PANELS = (b) (7)(E) EACH

(b) (7)(E)

Panel Sequence Per Profile

(b) (7)(E)

CL FENCE PROFILE

END PROJECT

(b) (7)(E)



POINT PRECIPITATION FREQUENCY ESTIMATES

Sanja Perica, Sarah Dietz, Sarah Haim, Lillian Hiner, Kazungu Maitani, Deborah Marlin, Sandra Pavlovic, Ishani Roy, Carl Tryppaluk, Dale Unruh, Fenglin Yan, Michael Yokta, Tan Zhao, Geoffrey Bonnin, Daniel Brewer, Li-Chuan Chen, Tye Parzybok, John Yarchon

NOAA, National Weather Service, Silver Spring, Maryland

[PF tabular](#) | [PF graphical](#) | [Maps & aerials](#)

PF tabular

PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches/hour) ¹										
Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	2.59 (2.27-2.93)	3.35 (2.94-3.80)	4.51 (3.97-5.10)	5.41 (4.74-6.12)	6.64 (5.78-7.50)	7.63 (6.61-8.63)	8.66 (7.46-9.77)	9.74 (8.34-11.0)	11.2 (9.49-12.7)	12.4 (10.5-14.1)
10-min	1.97 (1.72-2.23)	2.55 (2.24-2.90)	3.43 (3.02-3.89)	4.12 (3.61-4.66)	5.05 (4.40-5.71)	5.81 (5.03-6.56)	6.59 (5.68-7.44)	7.41 (6.35-8.38)	8.53 (7.22-9.65)	9.45 (7.96-10.7)
15-min	1.63 (1.42-1.84)	2.11 (1.85-2.39)	2.84 (2.50-3.21)	3.40 (2.99-3.85)	4.18 (3.64-4.71)	4.80 (4.16-5.43)	5.44 (4.69-6.15)	6.12 (5.25-6.92)	7.05 (5.97-7.97)	7.81 (6.57-8.85)
30-min	1.10 (0.960-1.24)	1.42 (1.25-1.61)	1.91 (1.68-2.16)	2.29 (2.01-2.59)	2.81 (2.45-3.17)	3.23 (2.80-3.65)	3.67 (3.16-4.14)	4.12 (3.53-4.68)	4.75 (4.02-5.37)	5.26 (4.43-5.96)
60-min	0.678 (0.594-0.768)	0.878 (0.772-0.997)	1.18 (1.04-1.34)	1.42 (1.24-1.61)	1.74 (1.52-1.96)	2.00 (1.73-2.26)	2.27 (1.96-2.56)	2.56 (2.19-2.88)	2.94 (2.49-3.32)	3.25 (2.74-3.69)
2-hr	0.367 (0.342-0.438)	0.503 (0.446-0.572)	0.688 (0.610-0.778)	0.832 (0.731-0.940)	1.03 (0.902-1.16)	1.19 (1.03-1.34)	1.37 (1.17-1.54)	1.55 (1.32-1.74)	1.80 (1.51-2.03)	2.01 (1.67-2.27)
3-hr	0.272 (0.242-0.307)	0.352 (0.313-0.396)	0.476 (0.424-0.536)	0.573 (0.508-0.643)	0.708 (0.622-0.793)	0.816 (0.711-0.912)	0.932 (0.805-1.04)	1.06 (0.901-1.18)	1.23 (1.03-1.38)	1.37 (1.14-1.54)
6-hr	0.156 (0.139-0.174)	0.200 (0.179-0.224)	0.265 (0.238-0.297)	0.316 (0.280-0.353)	0.385 (0.339-0.430)	0.440 (0.384-0.490)	0.497 (0.431-0.554)	0.558 (0.479-0.623)	0.642 (0.544-0.718)	0.709 (0.596-0.796)
12-hr	0.086 (0.076-0.095)	0.109 (0.098-0.122)	0.143 (0.128-0.160)	0.169 (0.151-0.188)	0.204 (0.181-0.227)	0.231 (0.204-0.257)	0.259 (0.228-0.289)	0.288 (0.251-0.322)	0.328 (0.282-0.368)	0.360 (0.307-0.405)
24-hr	0.049 (0.044-0.054)	0.062 (0.056-0.070)	0.083 (0.074-0.083)	0.099 (0.088-0.112)	0.123 (0.107-0.139)	0.141 (0.122-0.161)	0.161 (0.137-0.186)	0.182 (0.152-0.213)	0.212 (0.172-0.254)	0.237 (0.187-0.290)
2-day	0.026 (0.023-0.029)	0.033 (0.030-0.038)	0.045 (0.040-0.050)	0.054 (0.048-0.061)	0.067 (0.058-0.076)	0.079 (0.067-0.090)	0.091 (0.076-0.106)	0.105 (0.085-0.124)	0.125 (0.098-0.152)	0.142 (0.107-0.177)
3-day	0.019 (0.017-0.021)	0.024 (0.021-0.027)	0.032 (0.028-0.036)	0.038 (0.034-0.043)	0.048 (0.042-0.054)	0.056 (0.048-0.064)	0.064 (0.054-0.075)	0.073 (0.060-0.087)	0.087 (0.069-0.106)	0.099 (0.075-0.123)
4-day	0.015 (0.013-0.017)	0.019 (0.017-0.021)	0.025 (0.023-0.029)	0.031 (0.027-0.035)	0.038 (0.033-0.043)	0.044 (0.038-0.051)	0.051 (0.043-0.059)	0.058 (0.047-0.068)	0.068 (0.054-0.083)	0.077 (0.059-0.096)
7-day	0.010 (0.009-0.011)	0.012 (0.011-0.014)	0.017 (0.015-0.019)	0.020 (0.018-0.023)	0.025 (0.022-0.028)	0.029 (0.025-0.033)	0.034 (0.029-0.039)	0.038 (0.031-0.045)	0.045 (0.036-0.055)	0.051 (0.039-0.063)
10-day	0.007 (0.007-0.008)	0.010 (0.008-0.011)	0.013 (0.011-0.014)	0.016 (0.014-0.018)	0.020 (0.017-0.022)	0.023 (0.019-0.026)	0.026 (0.022-0.030)	0.030 (0.025-0.035)	0.036 (0.028-0.043)	0.040 (0.031-0.049)
20-day	0.005 (0.004-0.005)	0.006 (0.005-0.007)	0.008 (0.007-0.009)	0.010 (0.008-0.011)	0.012 (0.010-0.013)	0.013 (0.012-0.015)	0.015 (0.013-0.017)	0.017 (0.014-0.020)	0.020 (0.016-0.023)	0.022 (0.018-0.027)
30-day	0.004 (0.003-0.004)	0.005 (0.004-0.005)	0.006 (0.006-0.007)	0.007 (0.007-0.008)	0.009 (0.008-0.010)	0.010 (0.009-0.011)	0.011 (0.010-0.013)	0.012 (0.011-0.014)	0.014 (0.012-0.017)	0.016 (0.013-0.019)
45-day	0.003 (0.003-0.003)	0.004 (0.003-0.004)	0.005 (0.004-0.005)	0.006 (0.005-0.006)	0.007 (0.006-0.008)	0.008 (0.007-0.009)	0.008 (0.007-0.010)	0.009 (0.008-0.011)	0.010 (0.009-0.012)	0.011 (0.009-0.013)
60-day	0.002 (0.002-0.003)	0.003 (0.003-0.004)	0.004 (0.004-0.005)	0.005 (0.004-0.005)	0.006 (0.005-0.006)	0.007 (0.006-0.007)	0.007 (0.006-0.008)	0.008 (0.007-0.009)	0.009 (0.007-0.010)	0.010 (0.008-0.011)

¹ Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS). Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values. Please refer to NOAA Atlas 14 document for more information.

[Back to Top](#)

From: kkobach@gmail.com
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: Re: CBP Deputy Commissioner
Date: Wednesday, September 18, 2019 3:16:20 PM

Good luck in the new position (b)(6);(b)(7)(C)! And (b)(6);(b)(7)(C), nice to meet you.

Kris Kobach

On Sep 18, 2019, at 3:03 PM, (b)(6);(b)(7)(C) wrote:

Good Afternoon Sir,

Happy Wednesday!

I wanted to introduce myself, my name is (b)(6);(b)(7)(C) and I am the new Special Assistant to Deputy Commissioner Perez. I look forward to working with you.

Please feel free to contact me with any questions or concerns.

Thank you,

(b)(6);(b)(7)(C)
Special Assistant to the Deputy Commissioner
U.S. Customs and Border Protection
Department of Homeland Security
Ronald Reagan Building
1300 Pennsylvania Ave, NW
Washington, DC 20229
Work (b)(6);(b)(7)(C)
Cell (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Wednesday, September 18, 2019 12:12 PM
To: kkobach@gmail.com
Cc: (b)(6);(b)(7)(C)
Subject: CBP Deputy Commissioner

Mr. Kobach,

Good afternoon. I just wanted to take a few moments to say that it was wonderful to meet you and work with you on behalf of Deputy Commissioner Perez. In addition, I would like to introduce you to my replacement (b)(6);(b)(7)(C). My last day here in Washington, DC is today. I am very happy and excited to say that I have accepted a position in (b)(6);(b)(7)(C) with CBP.

If you ever need anything at all please feel free to contact me.

Please see (b)(6);(b)(7)(C) contact information below:

(b)(6);(b)(7)(C)

Desk Phone- (b)(6);(b)(7)(C)

Gov Cell- (b)(6);(b)(7)(C)

Thank you.

(b)(6);(b)(7)(C)

Special Assistant to the Deputy Commissioner

U.S. Customs and Border Protection

Department of Homeland Security

Ronald Reagan Building

1300 Pennsylvania Ave, NW

Washington, DC 20229

Work- (b)(6);(b)(7)(C)

Cell- (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: FW: Escort of (b) (6) at (b) (7)(E)
Date: Thursday, January 16, 2020 5:31:57 PM
Attachments: [OnX image of WBTW \(b\) \(7\)\(E\) site.pdf](#)

(b)(6);(b)(7)(C)

My assumption is that Sector is tracking and on board. Please let us know if this is not the case

Thanks

(b)(6);(b)(7)(C)
Deputy Patrol Agent In Charge
(b) (7)(E) Border Patrol Station
(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Thursday, January 16, 2020 3:21 PM
To: (b) (7)(E) STAFF (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: FW: Escort of (b) (6) at (b) (7)(E)

A representative from We Build the Wall will be surveying the area (b) (7)(E) tomorrow morning. BPAs (b)(6);(b)(7)(C) will be escorting (b) (6) while he surveys the area. Thank you.

V/R,

(b)(6);(b)(7)(C) | Supervisory Border Patrol Agent | Program Management Office | (b) (7)(E) Station |
(b)(6);(b)(7)(C) - Office

From: (b)(6);(b)(7)(C)
Sent: Thursday, January 16, 2020 11:22 AM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: Fwd: Escort of (b) (6) at (b) (7)(E)

Good morning (b)(6);(b)(7)(C),

I just received a call from Kris Kobach with We Build the Wall. As you can see below, they would like to perform a site visit tomorrow, Friday the 17th, at the end of the wall in (b) (7)(E). Essentially the same walk BPA (b)(6);(b)(7)(C) did earlier this week with Cpt. (b) (6). I apologize for the late notice, but can you have (b)(6);(b)(7)(C) available too accommodate this visit? As you can see, they are available any

time tomorrow. Please let us know as soon as possible so we can advise them of the time.

Thanks, (b)(6);(b)(7)(C)
Get [Outlook for iOS](#)

From: kkobach@gmail.com <kkobach@gmail.com>

Sent: Thursday, January 16, 2020 10:57 AM

To: (b)(6);(b)(7)(C)

Cc: (b)(6)

Subject: Escort of (b)(6) at (b)(7)(E)

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

(b)(6);(b)(7)(C),

Great talking with you on the phone. As I mentioned (b)(6) (cc'd in this message) is available all day tomorrow to do his inspection/study of the area on the (b)(7)(E). The area starts where the existing border wall ends and goes (b)(7)(E). I have attached a photo. The area is where the blue line is.

You can reach (b)(6) at home at (b)(6). Please let him know via email or phone when and where to meet tomorrow. Thanks for your help!

Kris Kobach
General Counsel, We Build the Wall
Cell (b)(6)

(b) (7)(E)

From: [FALK, SCOTT K \(OCC\)](#)
To: [HIGHSMITH, ANNMARIE \(OCC\)](#)
Subject: FW: Follow Up
Date: Tuesday, December 10, 2019 10:30:47 AM

AnnMarie,

(b) (5), (b)(6);(b)(7)(C)

--Scott

Scott Falk
Chief Counsel
U.S. Customs and Border Protection
(b)(6);(b)(7)(C) (Office)
(b)(6);(b)(7)(C) (Mobile)
(b)(6);(b)(7)(C) (Fax)

*"It is no use saying, 'We are doing our best.' You have got to succeed in doing what is necessary."
Winston Churchill*

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.

From: (b)(6);(b)(7)(C)
Sent: Tuesday, December 10, 2019 10:28 AM
To: FALK, SCOTT K (OCC); (b)(6);(b)(7)(C); SMITH, FREDERICK B (OCC)
(b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Subject: FW: Follow Up

Scott and Fred:

(b) (5), (b)(6);(b)(7)(C)

(b) (5), (b)(6);(b)(7)(C)

Thanks,

(b)(6);(b)(7)(C)

This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Assistant Chief Counsel, Indianapolis, U.S. Customs and Border Protection before disclosing any information contained in this email.

From: PEREZ, ROBERT E (b)(6);(b)(7)(C)
Sent: Tuesday, December 10, 2019 10:13 AM
To: (b)(6);(b)(7)(C)
Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)> PROVOST, CARLA (USBP)
(b)(6);(b)(7)(C) >; SCOTT, RODNEY S (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)

Subject: RE: Follow Up

Thanks (b)(6);(b)(7)(C) – please keep me updated as we make progress on this.

REP

Robert E. Perez
Deputy Commissioner
U.S. Customs & Border Protection

From: (b)(6);(b)(7)(C)
Sent: Tuesday, December 10, 2019 9:58 AM
To: PEREZ, ROBERT E (b)(6);(b)(7)(C)

Cc: MARTIN, JERRY B (b)(6);(b)(7)(C) >; PROVOST, CARLA (USBP)

(b)(6);(b)(7)(C); SCOTT, RODNEY S (b)(6);(b)(7)(C)

Subject: RE: Follow Up

Sir,

After additional discussion with OCC, and in order to provide information as early in the week as possible, please find the latest on what would be required to authorize WBTW to build in the Roosevelt Reservation, crafted by our excellent attorneys.

(b) (5), (b) (7)(E)

I will be checking with OCC daily on the progress of this work with OGC and will continue to keep you apprised. I will also check in with Kris tomorrow as an act of good faith while we work the issue.

Best,

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)
Mobile

From: PEREZ, ROBERT E (b)(6);(b)(7)(C)

Sent: Friday, December 6, 2019 11:21 AM

To: (b)(6);(b)(7)(C)

Cc: MARTIN, JERRY B (b)(6);(b)(7)(C); PROVOST, CARLA (USBP)

(b)(6);(b)(7)(C) SCOTT, RODNEY S (b)(6);(b)(7)(C)

Subject: Re: Follow Up

Thanks (b)(6);(b)(7)(C) - early next week would be best. Much appreciated.

REP

Robert E. Perez
Deputy Commissioner
U.S. Customs & Border Protection

On Dec 6, 2019, at 11:05 AM, (b)(6);(b)(7)(C)
wrote:

Sir – In speaking with OCC this morning, (b) (5)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)

Best,

(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)
Mobile (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)

Sent: Friday, December 6, 2019 11:03 AM

To: 'kkobach@gmail.com' <kkobach@gmail.com>

Cc: MARTIN, JERRY B <(b)(6);(b)(7)(C)>

Subject: RE: Follow Up

Kris – Thanks for the chat yesterday. As discussed, I did reach out to our attorneys (b) (5). They have put their heads together but need some more time in order to provide a complete answer. I wanted to get you an interim response but we expect to have more to share next week.

Thanks,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)

Sent: Thursday, December 5, 2019 9:34 AM

To: kkobach@gmail.com

Cc: MARTIN, JERRY B (b)(6);(b)(7)(C)

Subject: Follow Up

Good Morning Kris –

Following up on your call with Deputy Commissioner Perez, do you have a few minutes today or tomorrow we could schedule to chat about (b) (7)(E)

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Deputy Executive Director, Strategic Planning & Analysis

U.S. Border Patrol

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Subject: FW: Follow Up
Date: Tuesday, December 10, 2019 11:34:18 AM

From: (b)(6);(b)(7)(C)
Sent: Tuesday, December 10, 2019 10:32 AM
To: PEREZ, ROBERT E (b)(6);(b)(7)(C)
Cc: MARTIN, JERRY B (b)(6);(b)(7)(C); PROVOST, CARLA (USBP)
(b)(6);(b)(7)(C); (b)(6);(b)(7)(C) >; (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Subject: RE: Follow Up

Absolutely.

(b)(6);(b)(7)(C)
Desk: (b)(6); (b)(7)(C)
Mobile (b)(6);(b)(7)(C)

From: PEREZ, ROBERT E (b)(6);(b)(7)(C)
Sent: Tuesday, December 10, 2019 10:13 AM
To: (b)(6);(b)(7)(C)
Cc: MARTIN, JERRY B (b)(6);(b)(7)(C) >; PROVOST, CARLA (USBP)
(b)(6);(b)(7)(C); SCOTT, RODNEY S (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Subject: RE: Follow Up

Thanks (b)(6);(b)(7)(C) – please keep me updated as we make progress on this.

REP

Robert E. Perez
Deputy Commissioner
U.S. Customs & Border Protection

From: (b)(6);(b)(7)(C)

Sent: Tuesday, December 10, 2019 9:58 AM

To: PEREZ, ROBERT E (b)(6);(b)(7)(C)

Cc: MARTIN, JERRY B (b)(6);(b)(7)(C); PROVOST, CARLA (USBP)

(b)(6);(b)(7)(C); SCOTT, RODNEY S (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Subject: RE: Follow Up

Sir,

After additional discussion with OCC, and in order to provide information as early in the week as possible, please find the latest on what would be required to authorize WBTW to build in the Roosevelt Reservation, crafted by our excellent attorneys.

(b) (5), (b) (7)(E)

I will be checking with OCC daily on the progress of this work with OGC and will continue to keep you apprised. I will also check in with Kris tomorrow as an act of good faith while we work the issue.

Best,

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

From: PEREZ, ROBERT E (b)(6);(b)(7)(C)
Sent: Friday, December 6, 2019 11:21 AM
To: (b)(6), (b)(7)(C)
Cc: MARTIN, JERRY B (b)(6);(b)(7)(C) PROVOST, CARLA (USBP)
(b)(6);(b)(7)(C); SCOTT, RODNEY S (b)(6), (b)(7)(C); (b)(6);(b)(7)(C)
Subject: Re: Follow Up

Thanks (b)(6);(b)(7)(C) - early next week would be best. Much appreciated.

REP

Robert E. Perez
Deputy Commissioner
U.S. Customs & Border Protection

On Dec 6, 2019, at 11:05 AM, (b)(6);(b)(7)(C)
wrote:

(b) (5)

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)
Desk: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Friday, December 6, 2019 11:03 AM
To: 'kkobach@gmail.com' <kkobach@gmail.com>
Cc: MARTIN, JERRY B (b)(6);(b)(7)(C)
Subject: RE: Follow Up

Kris – Thanks for the chat yesterday. As discussed, I did reach out to our attorneys on the Roosevelt question. They have put their heads together but need some more time in order to provide a complete answer. I wanted to get you an interim response but we

expect to have more to share next week.

Thanks,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Desk: (b)(6); (b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)

Sent: Thursday, December 5, 2019 9:34 AM

To: kkobach@gmail.com

Cc: MARTIN, JERRY B (b)(6);(b)(7)(C)

Subject: Follow Up

Good Morning Kris –

Following up on your call with Deputy Commissioner Perez, do you have a few minutes today or tomorrow we could schedule to chat about (b)(7)(E)

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Deputy Executive Director, Strategic Planning & Analysis

U.S. Border Patrol

Desk: (b)(6);(b)(7)(C)

Mobile (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

From: [SMITH, FREDERICK B \(OCC\)](#)
To: (b)(6);(b)(7)(C)
Subject: FW: Meeting Monday?
Date: Tuesday, January 28, 2020 2:26:33 PM
Attachments: [Gift Donation Form 112-02.pdf](#)

FYI

From: MARTIN, JERRY B (b)(6);(b)(7)(C)
Sent: Tuesday, January 28, 2020 12:22 PM
To: PEREZ, ROBERT E (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
>; SMITH, FREDERICK B (OCC)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
'SCOTT, RODNEY'; HASTINGS, BRIAN S
(b)(6);(b)(7)(C)
Subject: RE: Meeting Monday?

[Once again with attachment...](#)

From: MARTIN, JERRY B
Sent: Tuesday, January 28, 2020 12:16 PM
To: PEREZ, ROBERT E (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C) SMITH, FREDERICK B (OCC)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
'SCOTT, RODNEY'; HASTINGS, BRIAN S
(b)(6);(b)(7)(C)
Subject: FW: Meeting Monday?

[Deputy Commissioner Perez,](#)

(b) (5)

(b) (5)

(b) (5)

VR,

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC
O- (b)(6);(b)(7)(C)
M- (b)(6);(b)(7)(C)

From: MARTIN, JERRY B (b)(6);(b)(7)(C)

Sent: Friday, January 24, 2020 1:08 PM

To: Kris Kobach <kkobach@gmail.com>

Cc: (b)(6);(b)(7)(C)

Subject: Re: Meeting Monday?

Kris,

I will be in the office Monday and can meet with you at that time. I presume you're ok to meet at the Reagan Building. Let me know when you arrive and I'll escort upstairs.

VR,

Brian

Sent from my iPhone

On Jan 24, 2020, at 11:50 AM, Kris Kobach <kkobach@gmail.com> wrote:

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

Brian,

I apologize for the late notice, but I will be at the White House for some meetings Monday morning (the 27th). I was hoping that we could meet on Monday afternoon in the 1:00 pm hour if that works for you. Just wanted to bring you up to date on everything concerning the proposed (b) (7)(E) wall project.

(b)(6);(b)(7)(C) may try to reach you as well to schedule this meeting.

Feel free to invite (b)(6);(b)(7)(C) and any others on your team as well.

Thanks.

Kris

Brian Martin

U.S. Border Patrol

Chief of Strategic Planning and Analysis

Washington, DC

O- (b)(6);(b)(7)(C)

M- (b)(6);(b)(7)(C)

ATTACHMENT 1

**GIFT DONATION FORM
DEPARTMENT HOMELAND SECURITY**

This form must be completed upon receipt of a gift offer and forwarded to:

**Chief Administrative Officer
Department of Homeland Security
Washington, DC 20528**

The following gift was offered to the Department of Homeland Security:

Description of gift: *Please ensure that the donor of the property understands that this property is given to the Department of Homeland Security and will become the property of the United States Government. Also, the donor must understand this donation is irreversible and the donor will retain no personal rights of use, ownership, or possession.*

Donor's Name: We Build the Wall

Donor's Full Address: 9300 Emerald Coast Parkway W.
Miramar Beach, FL 32550

Present/past business with the Department: N/A

Circumstances regarding donation of gift: We Build the Wall seeks to construct a (b) (7)(E) section of border wall at (b) (7)(E), extending the existing wall to the (b) (7)(E)

How gift will aid and facilitate the Department's mission: This new section of border wall will close off one of the most heavily trafficked human- and drug-smuggling corridors in the El Paso Sector, improving border security.

Gift Value: _____ if non-cash, list the donor's estimated fair market value: \$8,000,000.

Note: The value listed above is the donor's estimate, whether by fair market value or appraised value. The Department of Homeland Security does not confirm or endorse this as the value of the gift nor make any representation of the value of this gift for any tax purpose.

Restrictions on the use of the gift: None. We Build the Wall would like to have access to the wall in the future for events and to add commemorative plaques or bricks.

Pending Matters/Activities: Please indicate below any matters pending or likely to arise in the future that might involve the donor or the donor's organization. Give consideration to all individuals or members of an organization (if applicable) involved in the donation of this gift:
None.

Identify the Department of Homeland employee who received the gift donation and under what circumstances: It would not be given to a single employee. Rather it would belong to DHS/CBP as a whole.

If the gift was solicited, indicate the date of approval by the Secretary/Deputy Secretary:
N/A

I have determined that the acceptance of this gift is appropriate in accordance with the current Directive and accept the offer on behalf of the Department of Homeland Security

Concurrence by Authorized Agency Official's Ethics Officer:

Ethics Officer

Date

Secretary or Authorized Agency Official

Date

From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Subject: FW: Proposed Donation of Border Wall, (b)(7)(E) New Mexico
Date: Monday, February 10, 2020 1:13:03 PM
Attachments: [Wall Attachments V2 01292020.pdf](#)
[Gift Donation Form 112-02.pdf](#)

Here's what was sent

(b)(6);(b)(7)(C)
Desk: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

From: MARTIN, JERRY B (b)(6);(b)(7)(C)
Sent: Friday, January 31, 2020 8:25 AM
To: kkobach@gmail.com
Cc: MARTIN, JERRY B (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Subject: Proposed Donation of Border Wall, (b)(7)(E) New Mexico

Mr. Kobach,

Thank you for your recent communication regarding We Build the Wall's (WBTW) proposed donation of border wall. It is my understanding that WBTW, a private entity, would like to start construction on approximately (b)(7)(E) of border wall in (b)(7)(E), New Mexico. Upon completion, WBTW would like to donate this wall as a gift to U.S. Customs and Border Protection (CBP). CBP has reviewed the information WBTW has provided to date regarding the proposed donation. To the extent that WBTW intends to make a formal donation offer to CBP, set out below is the additional information that should be included in the submission.

CBP would require this information in order to consider and potentially act upon WBTW's donation offer.

SUBMISSION PROCESS

In order to make a formal offer of donation or gift, WBTW must first submit a formal letter of intent to the Department of Homeland Security (DHS) and CBP. In order to properly evaluate WBTW's gift, CBP needs the information required by DHS Form 112-02. For your convenience, enclosed is a copy of DHS Form 112-02. Those requirements include a detailed description of the gift along with any donor's name and address, as well as any past, present, or pending matters and activities involving the Department and the circumstances regarding donation of the gift. Additionally, the Department's gift acceptance policies further require the donor's estimate of the gift's value, which for non-cash gifts should be the gift's estimated market value.

In addition to the items listed above, WBTW's submission should address the items listed below. The items listed below will assist CBP in its evaluation of WBTW's gift and/or any CBP authorization to construct on federal land that is under CBP's administrative jurisdiction. From our previous discussions, we understand WBTW has offered to fund all design and construction and all real estate and environmental documentation and permitting for the proposed project and will ensure the donation meets the U.S. Border Patrol (USBP) operational requirements.

ALIGNMENT MAP

WBTW must provide an alignment map that is sufficiently identifies the location the proposed border wall segment. The map will allow CBP to evaluate the proposed location relative to United States Border Patrol (USBP) operations. It is CBP's understanding, based on materials previously submitted by WBTW, that the proposed (b) (7)(E) wall project is (b) (7)(E) (Location coordinates – Start: (b) (7)(E) Stop: (b) (7)(E) For your convenience, enclosed you will find a map that shows CBP's understanding of the proposed project location. WBTW's submission should confirm this understanding and show precisely where the proposed wall will be situated.

DESIGN & CONSTRUCTION

As a part of its submission, WBTW must confirm that the proposed wall segment will adhere to the USBP Tactical Infrastructure (TI) Design Standards as the design criteria for the wall design and that WBTW will consult with USBP on any design and construction questions to ensure the wall meets the operational requirements of USBP.

Those design standards include the following requirements or conditions:

Design

(b) (7)(E), (b) (5)

Construction

- All wall should be constructed in accordance with the TI Design Standards.
- Regular communication with USBP personnel, to include providing a high-level milestone schedule, to ensure construction does not adversely impact operations.

- Consultation with USBP subject matter experts prior to start of design to discuss and incorporate such items as wall alignment, design criteria, construction criteria into the design.
- Consultation with USBP subject matter experts during preliminary design and prior to design completion to receive feedback regarding design progress.
- Regular meetings with USBP subject matter experts on a weekly basis but no less than once per month throughout construction of the wall to discuss progress, construction testing, questions and issues encountered by the contractor.

REAL ESTATE & ENVIRONMENTAL

WBTW's submission should also address real estate and environmental issues, to include the following:

Environmental

- Regarding the need for 404 permits under the Clean Water Act, WBTW has stated that the U.S. Army Corps of Engineers (USACE) "has no interest" in the proposed project areas, as there are no Waters of the United States that are within the proposed project area or elsewhere that will be affected by the proposed project. WBTW cites to a "hydro analysis" that was performed in making this determination.
 - WBTW should include a copy of the hydrological analysis and/or any delineation survey that was performed and copies of the correspondence with USACE showing its determination that no 404 or other Clean Water Act permits are required.
- WBTW has already provided CBP with the results of cultural/historical assessment that has been performed concerning the proposed project area.
 - WBTW should provide any correspondence or feedback it has received from the New Mexico State Historic Preservation Officer concerning such assessment and the potential impacts of the proposed project.
- As to other potential environmental obligations, as has been discussed, CBP may be required to comply with the National Environmental Policy Act, the Endangered Species Act, or other environmental statutes in accepting a gift or authorizing construction on federal property. WBTW's donation intent should discuss whether it has the ability to assist with such compliance by CBP. Such assistance would likely come in the form of, among other things, providing project information, conducting additional resource surveys of the project area, or providing a consultant to assist in the preparation of required environmental documents.

CONSTRUCTION CLOSE-OUT

Finally, as a part of its submission WBTW should include or discuss the items that will be provided once construction is complete.

- Final construction close-out package shall be provided by the construction contractor prior to acceptance of the project and consideration for acceptance by CBP. The construction close out package shall include, but not be limited to:

- Results of all materials testing conducted by a third party consultant.
- Certification that quality assurance was conducted by an independent third party consultant and associated documentation.
- Shop and fabrication drawings.
- Final as-built plans certified by the contractor including, but not limited to, final surveyed location of the wall, plans, profiles, notes and details.

ENCLOSURES:

1. DHS GIFT DONATION FORM 112-02
2. (b) (7)(E) MAP
3. PROJECT RENDERING

Should you have questions or concerns, please do not hesitate to reach out to our team – Chief Martin or DXD (b) (6), (b) (7)(C), CC'd here – who will address your questions and coordinate any additional communications with me.

VR,

Brian Martin

U.S. Border Patrol

Chief of Strategic Planning and Analysis

Washington, DC

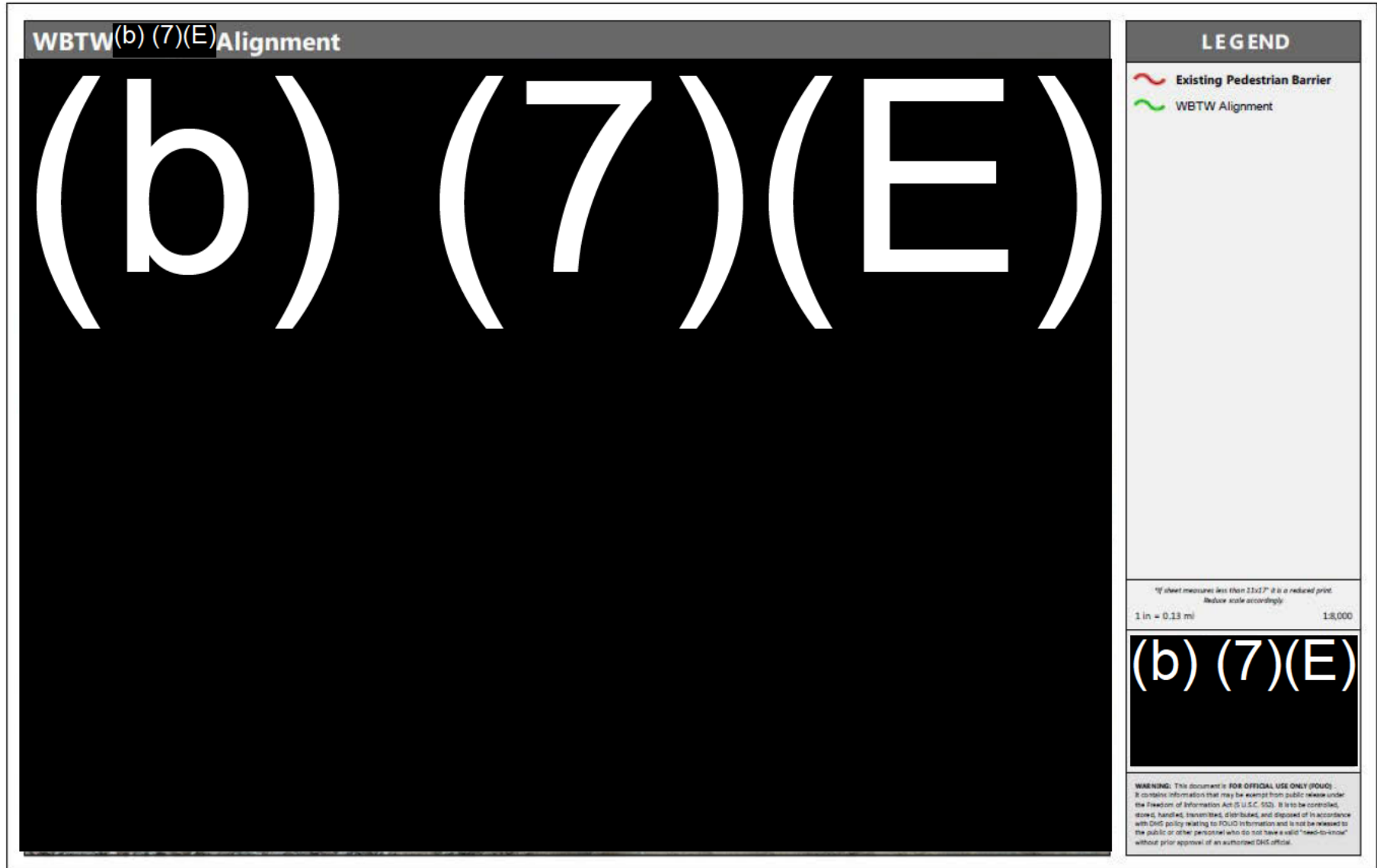
O- (b)(6);(b)(7)(C)
M

Project Rendering

(b) (7)(E), (b) (5)



(b) (7)(E), NM Alignment Map



ATTACHMENT 1

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Department of Homeland Security
Washington, DC 20528**

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Donor's Name: We Build the Wall

Donor's Full Address: 9300 Emerald Coast Parkway W.
Miramar Beach, FL 32550

Present/past business with the Department: N/A

Circumstances regarding donation of gift: We Build the Wall seeks to construct a (b) (7)(E) section of border wall at (b) (7)(E), extending the existing wall to the (b) (7)(E)

How gift will aid and facilitate the Department's mission: This new section of border wall will close off one of the most heavily trafficked human- and drug-smuggling corridors in the El Paso Sector, improving border security.

Gift Value: _____ if non-cash, list the donor's estimated fair market value: \$8,000,000.

Note: The value listed above is the donor's estimate, whether by fair market value or appraised value. The Department of Homeland Security does not confirm or endorse this as the value of the gift nor make any representation of the value of this gift for any tax purpose.

Restrictions on the use of the gift: None. We Build the Wall would like to have access to the wall in the future for events and to add commemorative plaques or bricks.

Pending Matters/Activities: Please indicate below any matters pending or likely to arise in the future that might involve the donor or the donor's organization. Give consideration to all individuals or members of an organization (if applicable) involved in the donation of this gift:
None.

Identify the Department of Homeland employee who received the gift donation and under what circumstances: It would not be given to a single employee. Rather it would belong to DHS/CBP as a whole.

If the gift was solicited, indicate the date of approval by the Secretary/Deputy Secretary:
N/A

I have determined that the acceptance of this gift is appropriate in accordance with the current Directive and accept the offer on behalf of the Department of Homeland Security

Concurrence by Authorized Agency Official's Ethics Officer:

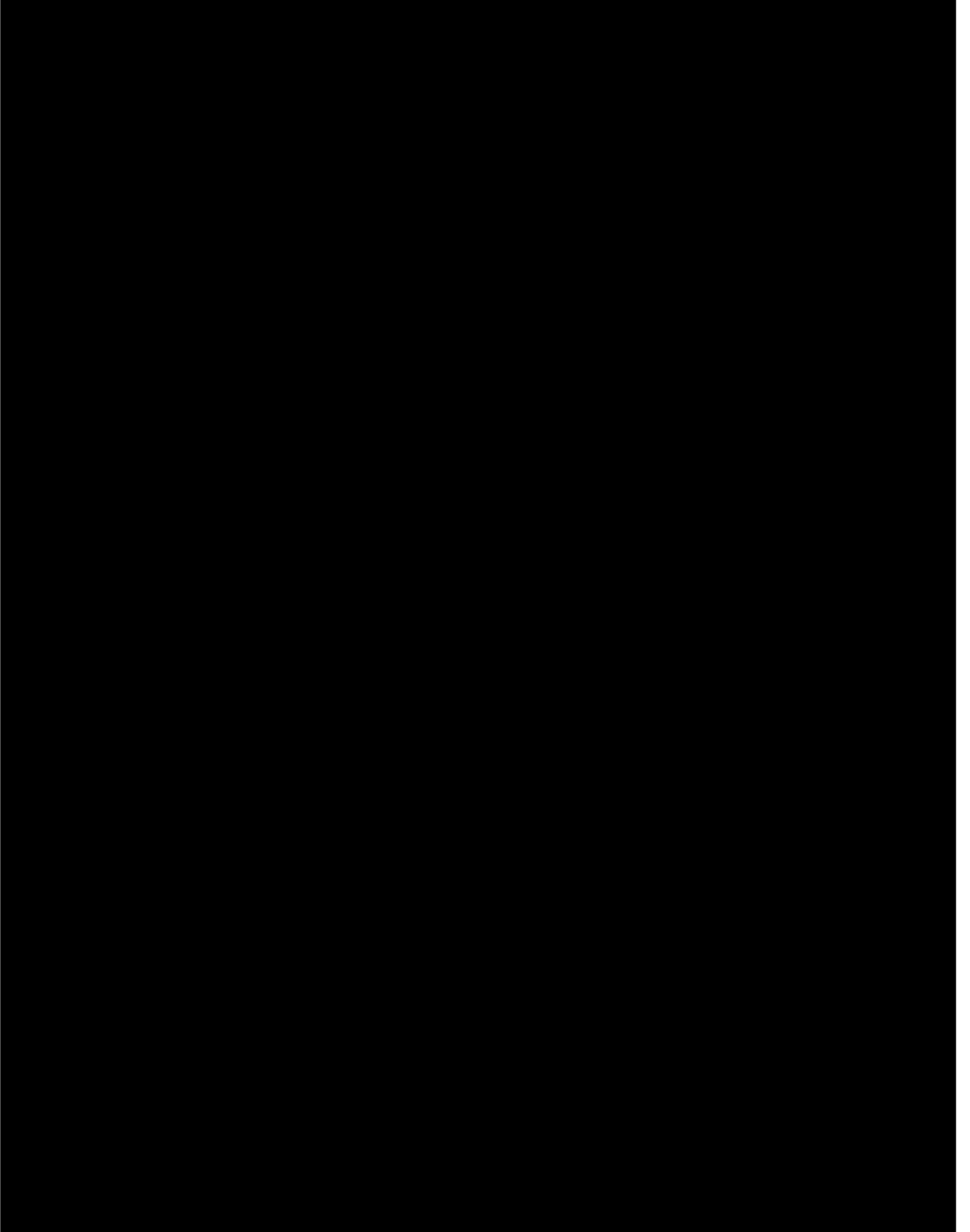
Ethics Officer

Date

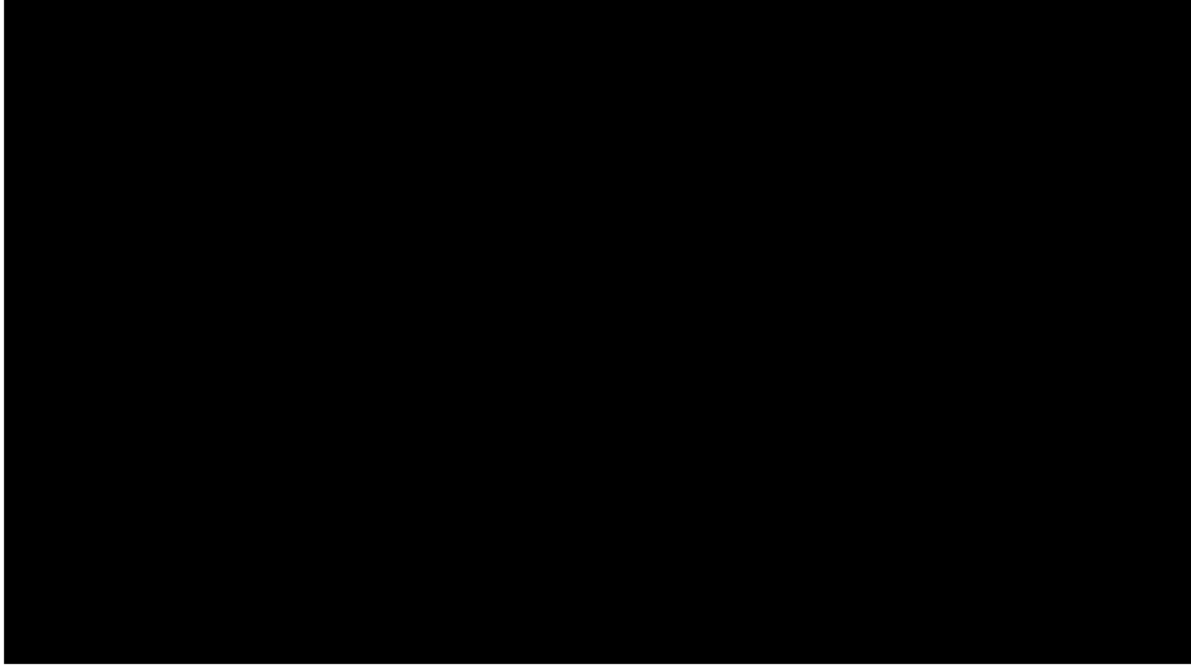
Secretary or Authorized Agency Official

Date

(b) (5), (b) (7)(E), (b)(6);(b)(7)(C)



(b) (5), (b) (7)(E), (b)(6);(b)(7)(C)



(b) (5), (b) (7)(E)



(b) (5), (b) (7)(E)



From: [SINGLETON, RUYNARD R](#)
To: [BORKOWSKI, MARK S](#)
Subject: FW: U.S. Customs and Border Protection Deputy Commissioner
Date: Monday, July 22, 2019 4:52:24 PM

Mark,

See the message under to Mr. Kobach (We Build the Wall). Directed by C2. Blind copy to me and others, I'm sure. Keeping you in the loop.

Thanks,
Ruynard

Ruynard R. Singleton Sr.
Executive Director
Program Management Office Directorate
U.S. Border Patrol
(b)(6);(b)(7)(C) Office
(b)(6);(b)(7)(C) Mobile

From: MARTIN, JERRY B (b)(6);(b)(7)(C)
Sent: Monday, July 22, 2019 11:40 AM
To: kkobach@gmail.com
Subject: RE: U.S. Customs and Border Protection Deputy Commissioner

Mr. Kobach,

In keeping with the commitment made in the letter sent from CBP's Deputy Commissioner Robert Perez, I am following up to offer an opportunity to meet with *We Build the Wall* in person in Washington DC. Are you available to meet the week of August 26th on either the 26th or the 27th? We are flexible as to the time based on your availability. We appreciate your continued interest in border security and the role that physical barriers play in assisting U.S. Border Patrol operations.

Between now and the proposed meeting date, as explained by the Deputy Commissioner, we will be working to complete both a review of the already constructed border barrier in (b) (7)(E), New Mexico as well as to develop a checklist to be made available to organizations, such as yours, that seek to construct a private border barrier with the intention of donating it to the Government. As you are aware, as the Federal government we have myriad requirements we must meet in order to receive a donation such as this, characterized by the list we provided in our prior letter.

Ensuring that any interactions we have with private organizations do not jeopardize other ongoing work is one critical requirement. While we are happy to continue our discussions with *We Build the Wall*, we must guard against perceived or actual conflicts of interest with any vendor that may bid on work through the competitive process. As we understand it, Fisher Industries serves as *We Build the Wall's* vendor. We would ask that any future communications be addressed from *We Build The Wall* principles or staff, as opposed to Mr. Fisher or others associated with his company. This limits the risk that other vendors may perceive Fisher Industries to have an unfair advantage in bidding on other border wall work, such as the work they have actively pursued through the CBP's service provider, the U.S. Army Corps of Engineers. We would ask that you pass this request on to your vendor and

request they cease contact with U.S. Border Patrol and support POCs as it pertains to construction undertaken by *We Build the Wall*. Should Fisher Industries have questions or comments regarding other ongoing work, they can always reach out through the normal communications channels available to them through CBP's Office of Acquisition and the U.S. Army Corps of Engineers. That said, we welcome continued contact with you and your counterparts from the *We Build the Wall* organization and look forward to meeting you the week of August 26.

VR,

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC

O- (b)(6);(b)(7)(C)
M- (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Tuesday, July 9, 2019 4:36 PM
To: kkobach@gmail.com
Subject: U.S. Customs and Border Protection Deputy Commissioner

Mr. Kobach,

Good afternoon. My name is (b)(6);(b)(7)(C) and I am the Special Assistant to U.S. Customs and Border Protection Deputy Commissioner Robert E. Perez. Attached you will find a letter for your reference, please note an original is being mailed to you as well. A CBP team will be reaching out to you soon to discuss this topic further. In the interim the Deputy Commissioner asked that I relay that he is available to speak with you at your convenience, should you have any questions or concerns.

Please feel free to contact me directly and I will be happy to coordinate further.

Thank you,

(b)(6);(b)(7)(C)
Special Assistant to the Deputy Commissioner
U.S. Customs and Border Protection
Department of Homeland Security
Ronald Reagan Building
1300 Pennsylvania Ave, NW
Washington, DC 20229
Work- (b)(6);(b)(7)(C)
Cell- (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: FW: We Build the Wall (b)(7)(E) Project Proposal
Date: Wednesday, October 9, 2019 1:56:53 PM

Are you guys aware of a meeting this afternoon?

Thank you,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)
U.S. Border Patrol
Operational Requirements Management Division
Office: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Wednesday, October 9, 2019 12:47 PM
To: MARTIN, JERRY B (b)(6);(b)(7)(C) ; (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C) ; SINGLETON, RUYNARD R (b)(6);(b)(7)(C) ;
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: RE: We Build the Wall (b)(7)(E) Project Proposal

Chief,

We have a meeting this afternoon to discuss with ORMD, LEOD, and OCC. I will get you write-up back by tonight or morning as a follow-up.

Thanks,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C), PMP
Business Operations Director
Border Wall Program Management Office
United States Border Patrol
Program Management Office Directorate
Desk: (b)(6);(b)(7)(C)
Cell Phone: (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)

From: MARTIN, JERRY B (b)(6);(b)(7)(C)
Sent: Wednesday, October 9, 2019 7:51 AM

To: (b)(6);(b)(7)(C)
SINGLETON, RUYNARD R
(b)(6);(b)(7)(C)

Cc: (b)(6);(b)(7)(C)
Subject: FW: We Build the Wall (b)(7)(E) Project Proposal

All,

Checking in to see if we've made any progress on the checklist. It's expected that we will provide an update this week on progress. C2 is tracking this.

Thanks,

Brian

From: MARTIN, JERRY B
Sent: Friday, October 4, 2019 12:57 PM
To: kkobach@gmail.com
Cc: (b)(6);(b)(7)(C)
Subject: FW: We Build the Wall (b)(7)(E) Project Proposal

Kris,

Thank you for the call this morning. As I'm sure you can understand, we are extremely busy right now, however we appreciate all the work your team has put into the documents. Our projects team and legal are currently reviewing the documents you sent over. We will be meeting mid-next-week and will be able to follow up after we have determined a path forward.

Thank you for your patience.
Brian

From: kkobach@gmail.com <kkobach@gmail.com>
Sent: Friday, September 27, 2019 3:55 PM
To: MARTIN, JERRY B (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Subject: We Build the Wall (b)(7)(E) Project Proposal

Dear Brian, (b)(6);(b)(7)(C), and Deputy Commissioner Perez,

It was a great pleasure meeting with you a few weeks ago. Please find attached our responses to the items in the CBP checklist for the proposed (b)(7)(E) wall extension that We Build the Wall (WBTW) has

proposed to build at the (b) (7)(E) area in New Mexico and give to CBP. I have also attached a hydro analysis and other supporting documents. We will meet virtually all of the CBP requirements; and where we propose slight modifications, it is because of special circumstances at the (b) (7)(E) site.

Please let me know as soon as possible if you need any additional information prior to granting us permission to proceed. As I may have mentioned in our meeting, we have much of the heavy equipment in the area already. We will save nearly half a million dollars in mobilization costs if we can proceed soon – ideally by October 11 if possible.

Thanks again for meeting with us. We look forward to constructing and donating a gift to CBP that meets all of your operational needs and greatly improves the security what is currently a heavily-trafficked border area.

Yours,

Kris Kobach
General Counsel,
We Build the Wall

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC

O- (b)(6);(b)(7)(C)
M- [REDACTED]

From: (b)(6);(b)(7)(C)
To: (b)(6);(b)(7)(C)
Subject: FW: We Build the Wall (b)(7)(E) Project Proposal
Date: October 4, 2019 11:12:05 AM
Attachments: (b)(7)(E) [WBTW - Answers to CBP Checklist.xlsx](#)
[WBTW - Hydro Analysis.pdf](#)
[WBTW - Slope information re hydro analysis.pdf](#)
[WBTW - Profile grades and panel information.pdf](#)
[WBTW - NOAA Precipitation Data.pdf](#)

(b)(6);(b)(7)(C), PMP
Business Operations Director
Border Wall Program Management Office
United States Border Patrol
Program Management Office Directorate
Desk: (b)(6);(b)(7)(C)
Cell Phone: (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Tuesday, October 1, 2019 2:27 PM
To: (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Cc: MARTIN, JERRY B (b)(6);(b)(7)(C)
Subject: RE: We Build the Wall (b)(7)(E) Project Proposal

(b)(5), (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)
Acting Deputy Associate Chief Counsel (Trade & Finance)
Office of Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW Room 4.4B
Washington, DC 20229
Tel: (b)(6);(b)(7)(C)
Fax: (b)(6);(b)(7)(C)
Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.

From: (b)(6);(b)(7)(C)
Sent: Tuesday, October 1, 2019 2:23 PM
To: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Cc: MARTIN, JERRY B (b)(6);(b)(7)(C)

Subject: FW: We Build the Wall (b) (7)(E) Project Proposal

(b)(6);(b)(7)(C) – (b) (5)

(b)(6);(b)(7)(C) – Once that's done, can you take the lead for getting all the right SMEs together, to include Chief Martin and the ORMD team, to review whatever we should be reviewing? Thanks.

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Desk: (b)(6);(b)(7)(C)

Mobile: (b)(6);(b)(7)(C)

From: kkobach@gmail.com <kkobach@gmail.com>

Sent: Friday, September 27, 2019 3:55 PM

To: MARTIN, JERRY B (b)(6);(b)(7)(C)

Subject: We Build the Wall (b) (7)(E) Project Proposal

Dear Brian, (b)(6);(b)(7)(C), and Deputy Commissioner Perez,

It was a great pleasure meeting with you a few weeks ago. Please find attached our responses to the items in the CBP checklist for the proposed (b) (7)(E) wall extension that We Build the Wall (WBTW) has proposed to build at the (b) (7)(E) area in New Mexico and give to CBP. I have also attached a hydro analysis and other supporting documents. We will meet virtually all of the CBP requirements; and where we propose slight modifications, it is because of special circumstances at the (b) (7)(E) site.

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Yours,

Kris Kobach
General Counsel,
We Build the Wall

WBTW ANSWERS TO CBP BARRIER CECKLIST - (b) (7)(E) PROJECT

NUMBER

ANSWER

- 1 Ownership - N/A (land is already owned by DHS according to county records).
- 2 Roosevelt Reservation - The western portion of the parcel is wider than the Roosevelt Reservation; the eastern portion is the same width as the Reservation.
- 3 Access - DHS is the agency that owns the parcel; no other agency controls access to parcel.
- 4 Private land deed of transfer - N/A.
- 5 Title Search - N/A.
- 6 Staging area - The wider western portion of the parcel will be the staging area. It is already owned by DHS. No other agency permission is necessary.
- 7 Private land deed of transfer - N/A.
- 8 Private land temporary easement - N/A.
- 9 Private land permanent easement - N/A.
- 10 Rio Grande River flood impact - N/A.
- 11 Permits re waters of the United States - N/A; see hydro analysis, attached.
- NEPA - No federal or state permits are required on this site. It should be noted that, because the project extends existing barrier that was built in 2008 to the (b) (7)(E), the same environmental impacts (or lack thereof) in 2008 should apply to the proposed extension of the existing barrier. It should also be noted that the barrier would remain open on the (b) (7)(E) end, so any animals unable to move between the bollards could continue to walk around the (b) (7)(E) end of the project. Finally, with respect to historical preservation, the SHPO has been contacted and informed of proposed project. The SHPO found no adverse impact to historical sites with the construction of the WBTW project (b) (7)(E) (b) (7)(E).
- 12 Environmental site assesment for contaminants - This property is already owned by DHS. Any existing contaminants would already be a matter of DHS responsibility.
- 13 CBP TI design standards - Agreed; WBTW will construct to CBP TI design standards.
- 14 ICC IBC risk category - Agreed; engineer will do so.
- 15 Load combinations - Agreed; engineer will do so.
- 16 Offset from border - Due to the rugged surface condition we will have a (b) (7)(E) offset.
- 17 Height - We will match the existing fence height (b) (7)(E)
- 18 (b) (7)(E)
- 19 Color - The wall will not be painted, in order to match existing adjacent wall
- 20 Ponding - Agreed; ponding will not occur.
- 21 Deterrent to under-digging - Agreed; (b) (7)(E)
- 22 Spacing - Agreed, (b) (7)(E) spacing between bollards will be used.
- 23 Drainage - Agreed to a, b, and c.
- 24 No levee walls - N/A.
- 25 Foundation design - Agreed. We will overex and recompact on grade-and-cut sections. Fill sections will be made with processed fill.
- 26 Debris removal - Agreed.
- 27 Coordination with USBP Wall PMO - Agreed.
- 28 Design report - Agreed.
- 29 Contractor meeting with Wall Program Team - Agreed.
- 30 Closeout package - a. We will use licensed third party. B. Agreed. C. Agreed. D. We will provide final redlined as built.
- 31 Congressionally imposed restrictions - Agreed. A. N/A.
- 32 Gifts - Agreed.
- 33 DHS gifts - Agreed.
- 34 Procurement process - N/A.
- 35 (b) (7)(E)
- 36 Time to cross - Agreed.
- 37 Deterrent to under-digging - (b) (7)(E)
- 38 (b) (7)(E)
- 39 (b) (7)(E) (b) (7)(E)
- 40 Agent access - We will meet requirements a., b., and c.
- 41 Surveillance interoperability - We will meet requirements a. and b.
- 42 Reliability - The wall system will significantly exceed the objective of 20 years.

September 18, 2019

We Build The Wall
P.O. Box 131567
Houston, TX. 77219-1567

Attn: (b) (6)
Legal Counsel, We Build The Wall

RE: Bollard Project; (b) (7)(E) New Mexico
Subject: Drainage Report for (b) (7)(E)

Greetings,

Please be advised that upon completion of this Project all of the off-property drainage patterns and capacity at this site will continue to allow for the free passage onto, through and continuing downslope from this site. No significant volumes of drainage will be blocked by the installation of the new bollard fence and the small amount of additional on-site drainage that sheet flows from the new road surface to the south will not significantly increase the volumes handled by the existing washes.

Our review of the topography indicates that there are three small watersheds, each of which will contribute flow to drainages that will cross south into Mexico. We will construct low-flow crossings at the three identified outlet locations. The length of these low-flow crossings will be determined by the volume of flow calculated for the 50 year event to pass through the spacing in the bollard fence system. Each watershed will drain to it's own corresponding low-flow crossing.

Thank you for your time regarding this issue. Please feel free to call if you have any questions or require any additional information.

Regards,

(b) (6) (b) (6)

Civil Engineer

Cc: (b) (6) President, FSG, TGR

ATTACHMENT: We Build The Wall; Project at (b) (7)(E)
September 18, 2019

LETTER dated

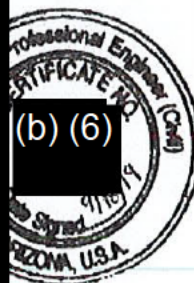
i = 3.23 inches/hour for the 50 year 30 minute event. Please see attached table from NOAA Atlas 14, Volume 1, Version 5.

Velocity over sand & gravel bottom (slope average 5-15%) is determined to be 4 ft./sec.

CCR area	surface	C	A(ac.)	Q (cfs)
W1	rocky soil	0.2	8.3	5.39
W2	rocky soil	0.2	2.8	1.81
W3	rocky soil	0.2	2.0	1.28

The peak flow rates for these three watersheds has been determined as listed above for the 50 year event. These flow rates will be handled by the existing washes and tributaries and will pass through the bollards at the appropriately sized low-flow crossings.

(b) (6)



(b) (6)



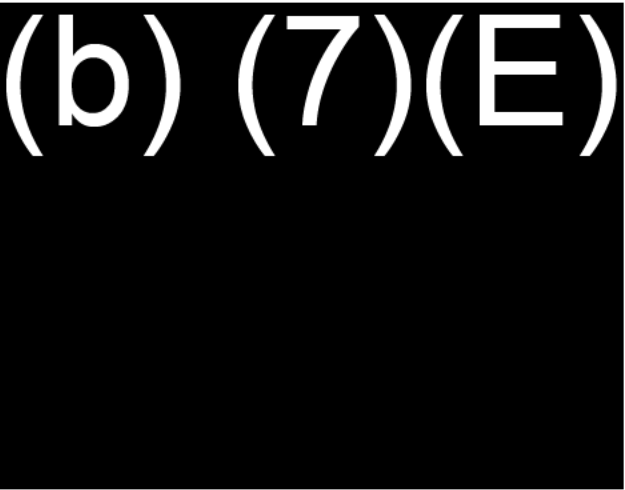
(b) (7)(E)

(b) (7)(E)

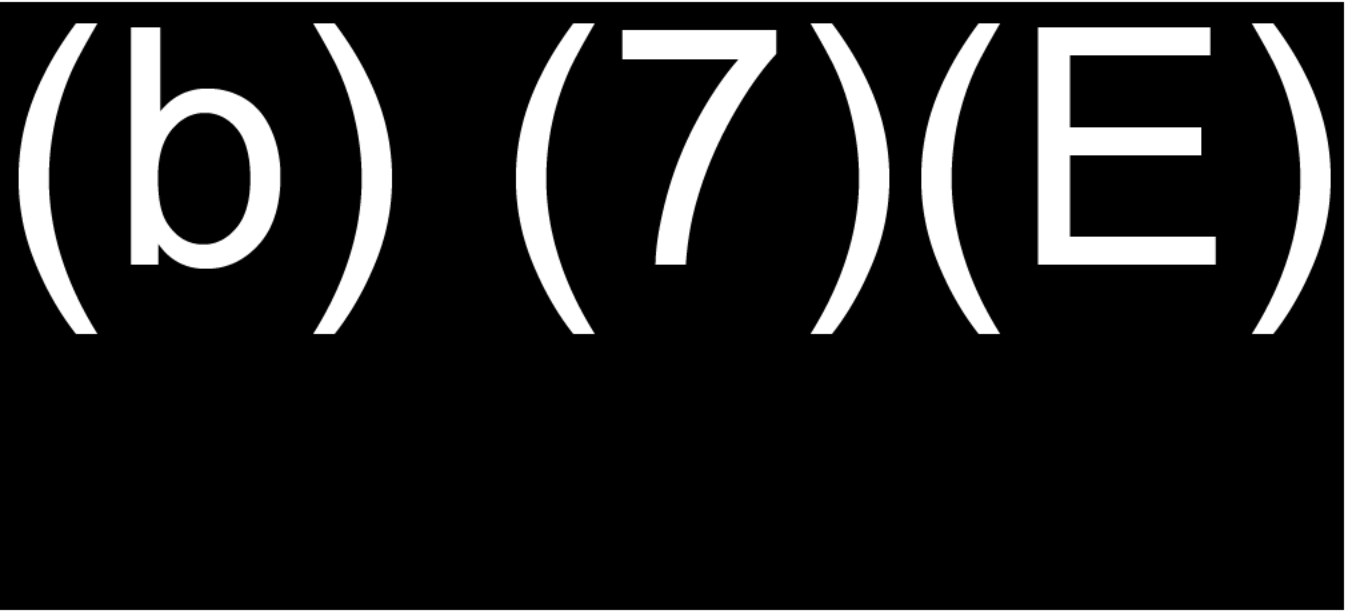
(b) (7)(E)

(b) (7)(E)

TOTAL (b) (7)(E) PANELS = (b) (7)(E) EACH



Panel Sequence Per Profile



CL FENCE PROFILE

END PROJECT





POINT PRECIPITATION FREQUENCY ESTIMATES

Sanja Perica, Sarah Dietz, Sarah Haim, Lillian Hiner, Kazungu Maitani, Deborah Marlin, Sandra Pavlovic, Ishani Roy, Carl Tryppaluk, Dale Unruh, Fenglin Yan, Michael Yokta, Tan Zhao, Geoffrey Bonnin, Daniel Brewer, Li-Chuan Chen, Tye Parzybok, John Yarchon

NOAA, National Weather Service, Silver Spring, Maryland

[PF tabular](#) | [PF graphical](#) | [Maps & arials](#)

PF tabular

PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches/hour) ¹										
Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	2.59 (2.27-2.93)	3.35 (2.94-3.80)	4.51 (3.97-5.10)	5.41 (4.74-6.12)	6.64 (5.78-7.50)	7.63 (6.61-8.63)	8.66 (7.46-9.77)	9.74 (8.34-11.0)	11.2 (9.49-12.7)	12.4 (10.5-14.1)
10-min	1.97 (1.72-2.23)	2.55 (2.24-2.90)	3.43 (3.02-3.89)	4.12 (3.61-4.66)	5.05 (4.40-5.71)	5.81 (5.03-6.56)	6.59 (5.68-7.44)	7.41 (6.35-8.38)	8.53 (7.22-9.65)	9.45 (7.96-10.7)
15-min	1.63 (1.42-1.84)	2.11 (1.85-2.39)	2.84 (2.50-3.21)	3.40 (2.99-3.85)	4.18 (3.64-4.71)	4.80 (4.16-5.43)	5.44 (4.69-6.15)	6.12 (5.25-6.92)	7.05 (5.97-7.97)	7.81 (6.57-8.85)
30-min	1.10 (0.960-1.24)	1.42 (1.25-1.61)	1.91 (1.68-2.16)	2.29 (2.01-2.59)	2.81 (2.45-3.17)	3.23 (2.80-3.65)	3.67 (3.16-4.14)	4.12 (3.53-4.68)	4.75 (4.02-5.37)	5.26 (4.43-5.96)
60-min	0.678 (0.594-0.768)	0.878 (0.772-0.997)	1.18 (1.04-1.34)	1.42 (1.24-1.61)	1.74 (1.52-1.96)	2.00 (1.73-2.26)	2.27 (1.96-2.56)	2.56 (2.19-2.88)	2.94 (2.49-3.32)	3.25 (2.74-3.69)
2-hr	0.367 (0.342-0.438)	0.503 (0.446-0.572)	0.688 (0.610-0.778)	0.832 (0.731-0.940)	1.03 (0.902-1.16)	1.19 (1.03-1.34)	1.37 (1.17-1.54)	1.55 (1.32-1.74)	1.80 (1.51-2.03)	2.01 (1.67-2.27)
3-hr	0.272 (0.242-0.307)	0.352 (0.313-0.396)	0.476 (0.424-0.536)	0.573 (0.508-0.643)	0.708 (0.622-0.793)	0.816 (0.711-0.912)	0.932 (0.805-1.04)	1.06 (0.901-1.18)	1.23 (1.03-1.38)	1.37 (1.14-1.54)
6-hr	0.156 (0.139-0.174)	0.200 (0.179-0.224)	0.265 (0.238-0.297)	0.316 (0.280-0.353)	0.385 (0.339-0.430)	0.440 (0.384-0.490)	0.497 (0.431-0.554)	0.558 (0.479-0.623)	0.642 (0.544-0.718)	0.709 (0.596-0.796)
12-hr	0.086 (0.076-0.095)	0.109 (0.098-0.122)	0.143 (0.128-0.160)	0.169 (0.151-0.188)	0.204 (0.181-0.227)	0.231 (0.204-0.257)	0.259 (0.228-0.289)	0.288 (0.251-0.322)	0.328 (0.282-0.368)	0.360 (0.307-0.405)
24-hr	0.049 (0.044-0.054)	0.062 (0.056-0.070)	0.083 (0.074-0.083)	0.099 (0.088-0.112)	0.123 (0.107-0.139)	0.141 (0.122-0.161)	0.161 (0.137-0.186)	0.182 (0.152-0.213)	0.212 (0.172-0.254)	0.237 (0.187-0.290)
2-day	0.026 (0.023-0.029)	0.033 (0.030-0.038)	0.045 (0.040-0.050)	0.054 (0.048-0.061)	0.067 (0.058-0.076)	0.079 (0.067-0.090)	0.091 (0.076-0.106)	0.105 (0.085-0.124)	0.125 (0.098-0.152)	0.142 (0.107-0.177)
3-day	0.019 (0.017-0.021)	0.024 (0.021-0.027)	0.032 (0.028-0.036)	0.038 (0.034-0.043)	0.048 (0.042-0.054)	0.056 (0.048-0.064)	0.064 (0.054-0.075)	0.073 (0.060-0.087)	0.087 (0.069-0.106)	0.099 (0.075-0.123)
4-day	0.015 (0.013-0.017)	0.019 (0.017-0.021)	0.025 (0.023-0.029)	0.031 (0.027-0.035)	0.038 (0.033-0.043)	0.044 (0.038-0.051)	0.051 (0.043-0.059)	0.058 (0.047-0.068)	0.068 (0.054-0.083)	0.077 (0.059-0.096)
7-day	0.010 (0.009-0.011)	0.012 (0.011-0.014)	0.017 (0.015-0.019)	0.020 (0.018-0.023)	0.025 (0.022-0.028)	0.029 (0.025-0.033)	0.034 (0.029-0.039)	0.038 (0.031-0.045)	0.045 (0.036-0.055)	0.051 (0.039-0.063)
10-day	0.007 (0.007-0.008)	0.010 (0.008-0.011)	0.013 (0.011-0.014)	0.016 (0.014-0.018)	0.020 (0.017-0.022)	0.023 (0.019-0.026)	0.026 (0.022-0.030)	0.030 (0.025-0.035)	0.036 (0.028-0.043)	0.040 (0.031-0.049)
20-day	0.005 (0.004-0.005)	0.006 (0.005-0.007)	0.008 (0.007-0.009)	0.010 (0.008-0.011)	0.012 (0.010-0.013)	0.013 (0.012-0.015)	0.015 (0.013-0.017)	0.017 (0.014-0.020)	0.020 (0.016-0.023)	0.022 (0.018-0.027)
30-day	0.004 (0.003-0.004)	0.005 (0.004-0.005)	0.006 (0.006-0.007)	0.007 (0.007-0.008)	0.009 (0.008-0.010)	0.010 (0.009-0.011)	0.011 (0.010-0.013)	0.012 (0.011-0.014)	0.014 (0.012-0.017)	0.016 (0.013-0.019)
45-day	0.003 (0.003-0.003)	0.004 (0.003-0.004)	0.005 (0.004-0.005)	0.006 (0.005-0.006)	0.007 (0.006-0.008)	0.008 (0.007-0.009)	0.008 (0.007-0.010)	0.009 (0.008-0.011)	0.010 (0.009-0.012)	0.011 (0.009-0.013)
60-day	0.002 (0.002-0.003)	0.003 (0.003-0.004)	0.004 (0.004-0.005)	0.005 (0.004-0.005)	0.006 (0.005-0.006)	0.007 (0.006-0.007)	0.007 (0.006-0.008)	0.008 (0.007-0.009)	0.009 (0.007-0.010)	0.010 (0.008-0.011)

¹ Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS). Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values. Please refer to NOAA Atlas 14 document for more information.

[Back to Top](#)

From: [HASTINGS, BRIAN S](#)
To: [MARTIN, JERRY B](#); (b)(6);(b)(7)(C) [HUDSON, RICHARD M](#)
Subject: Fwd: Invitation to Chief Aaron Hull
Date: Thursday, May 30, 2019 12:44:37 PM

FYSA only.

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From: HULL, AARON A
Sent: Thursday, May 30, 2019 10:38:16 AM
To: HASTINGS, BRIAN S
Cc: CLEM, CHRIS T
Subject: FW: Invitation to Chief Aaron Hull

Chief:

FYI. This is the private group that built a wall near Monument One on the American Eagle Brick Plant property. We were not involved in any way in the effort. We have stopped by and talked to them about the project and I introduced Chief Martin to them when we were on his line tour.

We are declining this invitation. However, I suspect that they will say that we helped/supported/whatever their effort in their press conference today.

Thanks.

Aaron A. Hull
Chief Patrol Agent
El Paso Sector
U.S. Border Patrol
(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Thursday, May 30, 2019 10:32 AM
To: HULL, AARON A (b)(6);(b)(7)(C)
Cc: CLEM, CHRIS T (b)(6);(b)(7)(C) >; (b)(6);(b)(7)(C)

Subject: FW: Invitation to Chief Aaron Hull

Chief,

Please see the below invitation to the We Build The Wall dedication ceremony today at 4:00 PM.

(b)(6);(b)(7)(C)
Assistant Chief Patrol Agent
Sector Communications
U.S. Border Patrol – El Paso Sector
8901 Montana Avenue
El Paso, TX 79925
(b)(6);(b)(7)(C) office
cell
(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)

Sent: Thursday, May 30, 2019 10:22 AM

To: (b)(6);(b)(7)(C)

Subject: Fwd: Invitation to Chief Aaron Hull

Sent from my iPhone

Begin forwarded message:

From: <kkobach@gmail.com>

Date: May 30, 2019 at 10:04:06 AM MDT

To: (b)(6);(b)(7)(C)

Subject: Invitation to Chief Aaron Hull

Officer (b)(6);(b)(7)(C),

I would like to invite Chief Aaron Hull to the We Build the Wall site in (b) (7)(E) at 4:00 pm today to take part in our dedication ceremony/rally for the newly-constructed wall. If he would like to say a few words to the crowd and media, we would be pleased for him to do so. At a minimum we would like to recognize him and thank him for the support of the BP in this endeavor.

We would also like to extend an invitation to any off-duty (or on-duty) officers who would like to take part in the festivities.

Our board will be there, including me (b) (6), former US Rep.

Tom Tancredo, and others.

Please let me know if Chief Hull would like to attend. Thank you.

Kris Kobach

General Counsel, We Build the Wall

(b) (6)

From: kkobach@gmail.com
To: [MARTIN, JERRY B](#)
Subject: RE: U.S. Customs and Border Protection Deputy Commissioner
Date: Monday, July 22, 2019 6:53:04 PM

Mr. Martin,

Thanks for your message. We would be happy to meet with your team in DC on one of the dates proposed. Although either date would work, the most convenient would be Tuesday the 27th of August at around 2 PM. (That would give us time to fly in to DC the same day.) But if that specific time doesn't work, let me know; we can choose another time that works.

We would bring a fairly small group: just me, my fellow attorney (b) (6), and our construction foreman (b) (6). We should be able to address any legal, site selection, or design-related issues you wish to discuss. If you think we should come prepared to discuss other matters and should bring other team members please let me know.

I look forward to seeing you in August.

Kris Kobach

From: MARTIN, JERRY B (b)(6);(b)(7)(C)
Sent: Monday, July 22, 2019 10:40 AM
To: kkobach@gmail.com
Subject: RE: U.S. Customs and Border Protection Deputy Commissioner

Mr. Kobach,

In keeping with the commitment made in the letter sent from CBP's Deputy Commissioner Robert Perez, I am following up to offer an opportunity to meet with *We Build the Wall* in person in Washington DC. Are you available to meet the week of August 26th on either the 26th or the 27th? We are flexible as to the time based on your availability. We appreciate your continued interest in border security and the role that physical barriers play in assisting U.S. Border Patrol operations.

Between now and the proposed meeting date, as explained by the Deputy Commissioner, we will be working to complete both a review of the already constructed border barrier in (b) (7)(E), New Mexico as well as to develop a checklist to be made available to organizations, such as yours, that seek to construct a private border barrier with the intention of donating it to the Government. As you are aware, as the Federal government we have myriad requirements we must meet in order to receive a donation such as this, characterized by the list we provided in our prior letter.

Ensuring that any interactions we have with private organizations do not jeopardize other ongoing work is one critical requirement. While we are happy to continue our discussions with *We Build the Wall*, we must guard against perceived or actual conflicts of interest with any vendor that may bid on work through the competitive process. As we understand it,

Fisher Industries serves as *We Build the Wall's* vendor. We would ask that any future communications be addressed from *We Build The Wall* principles or staff, as opposed to Mr. Fisher or others associated with his company. This limits the risk that other vendors may perceive Fisher Industries to have an unfair advantage in bidding on other border wall work, such as the work they have actively pursued through the CBP's service provider, the U.S. Army Corps of Engineers. We would ask that you pass this request on to your vendor and request they cease contact with U.S. Border Patrol and support POCs as it pertains to construction undertaken by *We Build the Wall*. Should Fisher Industries have questions or comments regarding other ongoing work, they can always reach out through the normal communications channels available to them through CBP's Office of Acquisition and the U.S. Army Corps of Engineers. That said, we welcome continued contact with you and your counterparts from the *We Build the Wall* organization and look forward to meeting you the week of August 26.

VR,

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC

O- (b)(6);(b)(7)(C)
M- (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Tuesday, July 9, 2019 4:36 PM
To: kkobach@gmail.com
Subject: U.S. Customs and Border Protection Deputy Commissioner

Mr. Kobach,

Good afternoon. My name is (b)(6);(b)(7)(C) and I am the Special Assistant to U.S. Customs and Border Protection Deputy Commissioner Robert E. Perez. Attached you will find a letter for your reference, please note an original is being mailed to you as well. A CBP team will be reaching out to you soon to discuss this topic further. In the interim the Deputy Commissioner asked that I relay that he is available to speak with you at your convenience, should you have any questions or concerns.

Please feel free to contact me directly and I will be happy to coordinate further.

Thank you,

(b)(6);(b)(7)(C)
Special Assistant to the Deputy Commissioner
U.S. Customs and Border Protection
Department of Homeland Security
Ronald Reagan Building
1300 Pennsylvania Ave, NW
Washington, DC 20229
Work- (b)(6);(b)(7)(C)
Cell- (b)(6);(b)(7)(C)

From: kkobach@gmail.com
To: [MARTIN, JERRY B](#)
Subject: Re: WBTW Permitting Question
Date: Thursday, July 25, 2019 5:44:51 PM

Brian,

That's great news. Is there any chance you could email me a copy of the letter, so that I am fully informed when I next speak with Commissioner Harkins?

If you need to reach me quickly don't hesitate to text me at my cell number below. Thanks.

Kris

Cell number (b) (6)

On Jul 25, 2019, at 2:00 PM, MARTIN, JERRY B (b)(6);(b)(7)(C) wrote:

Mr. Kobach,

I am following up on your conversation with Deputy Commissioner Perez today regarding the U.S. International Boundary and Water Commission's statement (b) (7)(E)

. A letter has been sent from USBP leadership to Commissioner Harkins indicating our request (b) (7)(E)

. Feel free to follow up with Commissioner Harkins and do not hesitate to reach out if we can be of further assistance.

VR,
Brian

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC
O- (b)(6);(b)(7)(C)
M- (b)(6);(b)(7)(C)

From: kkobach@gmail.com <kkobach@gmail.com>
Sent: Wednesday, July 24, 2019 9:33 PM
To: MARTIN, JERRY B (b)(6);(b)(7)(C)
Subject: Re: WBTW Permitting Question

Brian,

Thanks for your message. I think you are referring to my discussion with Deputy Commissioner Perez regarding the future control of the section of wall we already constructed. In that case, we have already granted to DHS and recorded with the county a permanent easement to the wall and a (b) (7)(E) strip that it is on. That would not be revocable and should suffice to allow the Border Patrol to make any changes it wishes. If the Border Patrol wishes to gain additional control of that section we are more than happy to discuss it.

We are flexible with how we approach each project and ultimately want to best assist the Border Patrol in it's mission. So, for example, at (b) (7)(E) DHS already owns the land outright. We would simply be coming on site, building, then leaving a gift to the Border Patrol.

Please let me know if you have follow up questions. Hopefully we will have a chance to meet soon.

Yours,
Kris

On Jul 24, 2019, at 4:39 PM, MARTIN, JERRY B (b)(6);(b)(7)(C) wrote:

Mr. Kobach,

As I understand it from Deputy Commissioner Perez, you raised a question regarding the possibility of building barriers on land permitted by the (b) (7)(E) to build. Without detailed and specific background on this issue, we had to make some assumptions in answering the inquiry – most notably that the final goal of any construction would be, as previously stated by We Build the Wall, to donate the final product to the government.

Unfortunately, if the intent is to donate the completed wall to the government, a temporary interest such as a permit would likely not be sufficient. CBP acquires permanent real estate interests to support construction and long-term maintenance of border wall. There are numerous reasons for this, including the fact that acquiring a permanent interest in the real estate ensures that CBP will have permanent access to the barrier as well as the ability to quickly and effectively maintain the barrier, especially when emergency repairs are needed to safeguard the integrity of the barrier itself. Additionally, acquiring a permanent real estate interest also allows CBP to make future modifications to the barriers without seeking additional permission from the landowner. For instance, CBP could install additional or new (b) (7)(E) without having to seeking additional permission or consent from the private landowner. In contrast,

acquiring a permit or license from a private landowner has significant shortcomings. As an example, permits and licenses are generally not considered to be real estate interests, therefore, they typically can be revoked by the person granting the license. Revocation of the license also would terminate CBP's ability to maintain the infrastructure, thus shortening the life cycle of the barrier.

That said, we made some assumptions in answering this question. If there is other information that would be helpful or you believe might change the outcome, we would be happy to continue exploring to ensure we adequately address the question posed.

VR,
Brian

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC

O- (b)(6);(b)(7)(C)

M- (b)(6);(b)(7)(C)

From: [CHAVEZ, GLORIA I](#)
To: [MARTIN, JERRY B](#)
Subject: RE: WBTW Permitting Question
Date: Thursday, July 25, 2019 8:12:14 PM

Yes, let's schedule so we can talk Chief. I fly out to El Paso on Sunday so can we calendar something for tomorrow or over weekend?

GC

From: MARTIN, JERRY B (b)(6);(b)(7)(C)
Sent: Thursday, July 25, 2019 1:16 PM
To: CHAVEZ, GLORIA I (b)(6);(b)(7)(C)
Subject: FW: WBTW Permitting Question

Chief,

We probably need to discuss this before you start in EPT. Need to make sure you understand the legal issues surrounding the We Build The Wall Group and their project in (b) (7)(E)

VR

Brian

From: (b)(6);(b)(7)(C)
Sent: Thursday, July 25, 2019 4:10 PM
To: (b)(6);(b)(7)(C)
Cc: MARTIN, JERRY B (b)(6);(b)(7)(C)
Subject: FW: WBTW Permitting Question

FYSA per our conversation with C2. We'll let you know if anything comes back.

(b)(6);(b)(7)(C)
Desk: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)

From: MARTIN, JERRY B (b)(6);(b)(7)(C)
Sent: Thursday, July 25, 2019 4:01 PM
To: kkobach@gmail.com
Subject: RE: WBTW Permitting Question

Mr. Kobach,

I am following up on your conversation with Deputy Commissioner Perez today regarding the U.S.

International Boundary and Water Commission's statement (b) (7)(E). A letter has been sent from USBP leadership to Commissioner Harkins indicating our request (b) (7)(E). Feel free to follow up with Commissioner Harkins and do not hesitate to reach out if we can be of further assistance.

VR,
Brian

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC

(b)(6);(b)(7)(C)

From: kkobach@gmail.com <kkobach@gmail.com>
Sent: Wednesday, July 24, 2019 9:33 PM
To: MARTIN, JERRY B (b)(6);(b)(7)(C)
Subject: Re: WBTW Permitting Question

Brian,

Thanks for your message. I think you are referring to my discussion with Deputy Commissioner Perez regarding the future control of the section of wall we already constructed. In that case, we have already granted to DHS and recorded with the county a permanent easement to the wall and a (b)(7)(C) strip that it is on. That would not be revocable and should suffice to allow the Border Patrol to make any changes it wishes. If the Border Patrol wishes to gain additional control of that section we are more than happy to discuss it.

We are flexible with how we approach each project and ultimately want to best assist the Border Patrol in it's mission. So, for example, at (b) (7)(E) DHS already owns the land outright. We would simply be coming on site, building, then leaving a gift to the Border Patrol.

Please let me know if you have follow up questions. Hopefully we will have a chance to meet soon.

Yours,
Kris

On Jul 24, 2019, at 4:39 PM, MARTIN, JERRY B (b)(6);(b)(7)(C) wrote:

Mr. Kobach,

As I understand it from Deputy Commissioner Perez, you raised a question regarding the possibility of building barriers on land permitted by the (b) (7)(E) to build. Without detailed and specific background on this issue, we had to make some assumptions in answering the inquiry – most notably that the final goal of any construction would be, as previously stated by We Build the Wall, to donate the final product to the government.

Unfortunately, if the intent is to donate the completed wall to the government, a temporary interest such as a permit would likely not be sufficient. CBP acquires permanent real estate interests to support construction and long-term maintenance of border wall. There are numerous reasons for this, including the fact that acquiring a permanent interest in the real estate ensures that CBP will have permanent access to the barrier as well as the ability to quickly and effectively maintain the barrier, especially when emergency repairs are needed to safeguard the integrity of the barrier itself. Additionally, acquiring a permanent real estate interest also allows CBP to make future modifications to the barriers without seeking additional permission from the landowner. For instance, CBP could install additional or (b) (7)(E) without having to seeking additional permission or consent from the private landowner. In contrast, acquiring a permit or license from a private landowner has significant shortcomings. As an example, permits and licenses are generally not considered to be real estate interests, therefore, they typically can be revoked by the person granting the license. Revocation of the license also would terminate CBP's ability to maintain the infrastructure, thus shortening the life cycle of the barrier.

That said, we made some assumptions in answering this question. If there is other information that would be helpful or you believe might change the outcome, we would be happy to continue exploring to ensure we adequately address the question posed.

VR,
Brian

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC

(b)(6);(b)(7)(C)

From: [PEREZ, ROBERT E](#)
To: [MARTIN, JERRY B](#)
Subject: Re: We Build the Wall (b) (7)(E) Project Proposal
Date: Friday, September 27, 2019 7:29:00 PM

Thanks Chief.

REP

Robert E. Perez
Deputy Commissioner
U.S. Customs & Border Protection

On Sep 27, 2019, at 5:25 PM, MARTIN, JERRY B
(b)(6);(b)(7)(C) wrote:

Mr. Kobach,

It was nice to meet you and your team when you last visited. Thank you for submitting the attached checklist documentation. We will start our review process and let you know if we need any additional information.

VR,

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)

From: kkobach@gmail.com <kkobach@gmail.com>
Sent: Friday, September 27, 2019 3:55 PM
To: MARTIN, JERRY B (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Subject: We Build the Wall (b) (7)(E) Project Proposal

Dear Brian, (b)(6);(b)(7)(C), and Deputy Commissioner Perez,

It was a great pleasure meeting with you a few weeks ago. Please find attached our responses to the items in the CBP checklist for the proposed (b) (7)(E) that

We Build the Wall (WBTW) has proposed to build at the (b) (7)(E) area in New Mexico and give to CBP. I have also attached a hydro analysis and other supporting documents. We will meet virtually all of the CBP requirements; and where we propose slight modifications, it is because of special circumstances at the (b) (7)(E) site.

Please let me know as soon as possible if you need any additional information prior to granting us permission to proceed. As I may have mentioned in our meeting, we have much of the heavy equipment in the area already. We will save nearly half a million dollars in mobilization costs if we can proceed soon – ideally by October 11 if possible.

Thanks again for meeting with us. We look forward to constructing and donating a gift to CBP that meets all of your operational needs and greatly improves the security what is currently a heavily-trafficked border area.

Yours,

Kris Kobach
General Counsel,
We Build the Wall

From: (b)(6);(b)(7)(C)
To: [MARTIN, JERRY B](#)
Subject: RE: We Build the Wall (b)(7)(E) Project Proposal
Date: Wednesday, October 9, 2019 8:53:30 AM

Good morning Chief,

(b)(6);(b)(7)(C) has a meeting planned for this afternoon regarding WBTW.

Respectfully,

(b)(6);(b)(7)(C)
Assistant Chief
Operational Requirements Management Division (ORMD)
United States Border Patrol
Desk: (b)(6);(b)(7)(C)
Cell: (b)(6);(b)(7)(C)

From: MARTIN, JERRY B (b)(6);(b)(7)(C)
Sent: Wednesday, October 9, 2019 7:51 AM
To: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C); SINGLETON, RUYNARD R
(b)(6);(b)(7)(C); (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: FW: We Build the Wall (b)(7)(E) Project Proposal

All,

Checking in to see if we've made any progress on the checklist. It's expected that we will provide an update this week on progress. C2 is tracking this.

Thanks,

Brian

From: MARTIN, JERRY B
Sent: Friday, October 4, 2019 12:57 PM
To: kkobach@gmail.com
Cc: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Subject: FW: We Build the Wall (b)(7)(E) Project Proposal

Kris,

Thank you for the call this morning. As I'm sure you can understand, we are extremely busy right now, however we appreciate all the work your team has put into the documents. Our projects team and legal are currently reviewing the documents you sent over. We will be meeting mid-next-week and will be able to follow up after we have determined a path forward.

Thank you for your patience.
Brian

From: kkobach@gmail.com <kkobach@gmail.com>

Sent: Friday, September 27, 2019 3:55 PM

To: MARTIN, JERRY B (b)(6);(b)(7)(C)

Subject: We Build the Wall (b) (7)(E) Project Proposal

Dear Brian, (b)(6);(b)(7)(C) and Deputy Commissioner Perez,

It was a great pleasure meeting with you a few weeks ago. Please find attached our responses to the items in the CBP checklist for the proposed (b) (7)(E) that We Build the Wall (WBTW) has proposed to build at the (b) (7)(E) area in New Mexico and give to CBP. I have also attached a hydro analysis and other supporting documents. We will meet virtually all of the CBP requirements; and where we propose slight modifications, it is because of special circumstances at the (b) (7)(E) site.

Please let me know as soon as possible if you need any additional information prior to granting us permission to proceed. As I may have mentioned in our meeting, we have much of the heavy equipment in the area already. We will save nearly half a million dollars in mobilization costs if we can proceed soon – ideally by October 11 if possible.

Thanks again for meeting with us. We look forward to constructing and donating a gift to CBP that meets all of your operational needs and greatly improves the security what is currently a heavily-trafficked border area.

Yours,

Kris Kobach
General Counsel,
We Build the Wall

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC

O- (b) (6), (b) (7)(C)
M (b)(6);(b)(7)(C)

From: [MARTIN, JERRY B](#)
To: (b)(6);(b)(7)(C)
Subject: FW: Formal Letter of Intent re (b)(7)(E) Project
Date: Monday, February 10, 2020 9:12:48 AM

DXD,

Has the packet been doled out for review to the respective offices? Also, I received a call from (b)(6);(b)(7)(C) this morning about the (b)(7)(E) project and where it lies on our priority list – he asked if we already have plans to build there and when.

Thanks,

Brian

From: MARTIN, JERRY B
Sent: Friday, February 7, 2020 10:29 PM
To: kkobach@gmail.com
Cc: (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C); (b)(6)
Subject: Re: Formal Letter of Intent re (b)(7)(E) Project

Kris,

Thank you for putting this together. We will review and get back as soon as we can.

VR,

Brian

Sent from my iPhone

On Feb 7, 2020, at 9:48 PM, "kkobach@gmail.com" <kkobach@gmail.com> wrote:

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

Brian,

Please find attached We Build the Wall's formal letter of intent. Attachments include:

1. DHS GIFT DONATION FORM 112-02
2. ALIGNMENT MAP
3. PROJECT RENDERING

4. HYDRO ANALYSIS

5. RAINFALL DATA

As we discussed at our meeting last week, we would appreciate it if you team could review this package as quickly as possible. The NM SHPO has 30 days to review our report to them—a period that commenced on February 5, 2020. If your review could be completed within the same period, by March 6, that would be ideal.

Thanks your work on this. We look forward to contributing to our nation's border security and to advancing CBP's mission.

Kris

<WBTW Final Letter to CBP - (b) (7)(E).docx>

<Gift Donation Form 112-02 - Filled.pdf>

<(b) (7)(E) - Alignment Map.pdf>

<WBTW (b) (7)(E) Project Rendering.png>

<(b) (7)(E) - WBTW - Hydro Analysis.pdf>

<(b) (7)(E) - WBTW - NOAA Precipitation Data.pdf>

From: [Brian Kolfage](#)
To: (b)(6);(b)(7)(C)
Cc: (b) (6) (b) (6) (b)(6);(b)(7)(C) kkobach@gmail.com
Subject: Re: Visit to (b) (7)(E)
Date: Saturday, February 8, 2020 7:03:56 PM

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Hey guys, this is Brian Kolfage, president of WBTW, please include me with any future correspondence or phone calls

(b) (6)

Sent from my iPhone

On Feb 8, 2020, at 4:05 PM, (b)(6);(b)(7)(C) wrote:

(b) (6)

I will contact you this week.

(b)(6);(b)(7)(C)

Sent from my iPhone

On Feb 8, 2020, at 1:13 PM, (b) (6) wrote:

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Sorry everyone for this 3rd email. I did not have the (b) (6). (b) (7)(C) in (b)(6);(b)(7)(C)'s email address,. Now we are all on the same page. (b)(6);(b)(7)(C) FYI, (b)(6);(b)(7)(C)'s phone number is (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) enjoyed speaking with you today. Please follow the email stream below for (b) (6) ' contact info. He is expecting your call. Thanks again for all of your help.

Best regards,

(b) (6) | Partner
Barnes & Thornburg LLP
Prominence in Buckhead, 3475 Piedmont Road N.E., Suite 1700, Atlanta, GA
30305-3327
Direct: (b) (6) | Mobile: (b) (6) | Fax: (b) (6)

<image001.gif>

Atlanta | California | Chicago | Delaware | Indiana | Michigan | Minneapolis
Ohio | Raleigh | Salt Lake City | Texas | Washington, D.C.

From: MARTIN, JERRY B (b) (6), (b) (7)(C)

Sent: Wednesday, February 5, 2020 7:53 AM

To: (b) (6); (b) (6)

Cc: (b) (6), (b) (7)(C)

Subject: [EXTERNAL]RE: Visit to (b) (7)(E)

(b) (6)

I'll have my team reach out to El Paso Sector and coordinate a visit.

VR,

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC

O- (b) (6), (b) (7)(C)

M- (b) (6), (b) (7)(C)

From: (b) (6)

Sent: Wednesday, February 5, 2020 12:13 AM

To: MARTIN, JERRY B (b) (6), (b) (7)(C)

(b) (6)

Subject: Visit to (b) (7)(E)

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[Operations Center](#) with questions or concerns.

Chief can we please schedule a tour with (b) (6) of the Army Corps of Engineers to conduct his 301 inspection of the (b) (7)(E) site.

Thank you

(b) (6)

U.S. Army Corps of Engineers, Regulatory Division, Runnels Federal Building
200 E. Griggs Ave.
Las Cruces, NM 88001
Office Phone (b) (6)

Sent from the road by (b) (6), Esq., Barnes & Thornburg LLP

(b) (6)

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From: (b) (6), (b) (7)(C)
To: (b) (6)
Cc: (b) (6); (b) (6), (b) (7)(C) kkobach@gmail.com; [Brian Kolfage](#); (b) (6)
Subject: Re: Visit to (b) (7)(E)
Date: Saturday, February 8, 2020 5:05:28 PM

(b) (6)

I will contact you this week.

(b)(6);(b)(7)(C)

Sent from my iPhone

On Feb 8, 2020, at 1:13 PM, (b) (6) wrote:

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Sorry everyone for this 3rd email. I did not have the (b)(6);(b)(7)(C) in (b)(6);(b)(7)(C)'s email address,. Now we are all on the same page. (b) (6), FYI, (b)(6);(b)(7)(C)'s phone number is (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C), enjoyed speaking with you today. Please follow the email stream below for (b) (6) contact info. He is expecting your call. Thanks again for all of your help.

Best regards,

(b) (6) | Partner
Barnes & Thornburg LLP
Prominence in Buckhead, 3475 Piedmont Road N.E., Suite 1700, Atlanta, GA 30305-3327
Direct: (b) (6) | Mobile: (b) (6) | Fax: (b) (6)
<image001.gif>

Atlanta | California | Chicago | Delaware | Indiana | Michigan | Minneapolis
Ohio | Raleigh | Salt Lake City | Texas | Washington, D.C.

From: MARTIN, JERRY B (b)(6);(b)(7)(C)
Sent: Wednesday, February 5, 2020 7:53 AM

To: (b) (6); (b) (6)
Cc: (b)(6);(b)(7)(C)
Subject: [EXTERNAL]RE: Visit to (b) (7)(E)

(b) (6)

I'll have my team reach out to El Paso Sector and coordinate a visit.

VR,

Brian Martin
U.S. Border Patrol
Chief of Strategic Planning and Analysis
Washington, DC
O- (b)(6);(b)(7)(C)
M- (b)(6);(b)(7)(C)

From: (b) (6)
Sent: Wednesday, February 5, 2020 12:13 AM
To: MARTIN, JERRY B (b)(6);(b)(7)(C) (b) (6)
Subject: Visit to (b) (7)(E)

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Chief can we please schedule a tour with (b) (6) of the Army Corps of Engineers to conduct his 301 inspection of the (b) (7)(E) site. Thank you
(b) (6)

U.S. Army Corps of Engineers, Regulatory Division, Runnels Federal Building
200 E. Griggs Ave.
Las Cruces, NM 88001
Office Phone (b) (6)

Sent from the road by (b) (6), Esq., Barnes & Thornburg LLP (b) (6)

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